S. HRG. 101-450

ESTABLISHING THE PETROGLYPH NATIONAL MONUMENT IN NEW MEXICO, AND EXPANDING THE CHACO CULTURE ARCHAEOLOGICAL PROTECTION SITES

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 286

TO ESTABLISH THE PETROGLYPH NATIONAL MONUMENT IN THE STATE OF NEW MEXICO, AND FOR OTHER PURPOSES

S. 798

TO AMEND TITLE V OF THE ACT OF DECEMBER 19, 1980, DESIGNATING THE CHACO CULTURE ARCHAEOLOGICAL PROTECTION SITES, AND FOR OTHER PURPOSES

JULY 27, 1989

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ESTABLISHING THE PETROGLYPH NATIONAL MONUMENT IN NEW MEXICO, AND EXPANDING THE CHACO CULTURE ARCHAEOLOGICAL PROTECTION SITES

THURSDAY, JULY 27, 1989

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 1 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Jeff Bingaman presiding.

OPENING STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

Senator Bingaman. The Subcommittee on Public Lands, National Parks and Forests will come to order.

We are having a committee hearing this afternoon. I understand Senator Domenici is expected momentarily. We also have two of our Congressmen who are planning to be here to testify, and I hope they arrive by the time I finish this opening statement. If not, we will go ahead with some of the other witnesses.

The purpose of the hearing is to receive testimony on two bills currently pending before the Subcommittee on Public Lands, National Parks and Forests. The bills are S. 286, which is the Petroglyph National Monument Establishment Act of 1989, and S. 798, the Chacoan Outlier Protection Act of 1989.

The subcommittee held a hearing on S. 286 on April 28, 1989, in Albuquerque, New Mexico.

I am very pleased to have co-sponsored both of these bills with Senator Domenici. I am also very pleased that our two Congressmen are going to be able to testify today on behalf of the legislation.

Let me just make some general comments about both bills. S. 286 would create the Petroglyph National Monument along the West Mesa escarpment outside of Albuquerque as a unit of the National Park System. The legislation provides for the inclusion of lands identified for acquisition by the State of New Mexico and the City of Albuquerque as well.

The Secretary of Interior is authorized to enter into cooperative agreements with Federal, State and local public departments and agencies to manage and interpret the monument and its resources.

The National Trust for Historic Preservation has identified this area as one of the 11 most endangered historical places in our country. The rock art remains remarkably intact but is subjected to ever-increasing damage because of the encroaching development. Damage by gunfire, attempts to remove the rocks and the use of heavy equipment for residential and commercial development are some of the many threats to this historic area.

It has been estimated that between 15,000 and 17,000 petroglyphs can be found along the 17 mile long volcanic escarpment on the West Mesa. This area is one of the most significant prehistoric rock-art sites in the United States and perhaps the world.

Additionally, the religious roots of Pueblo and Hispanic cultures are also visible along this escarpment.

The City of Albuquerque, the State of New Mexico and the National Park Service and public spirited groups such as the Friends of the Albuquerque Petroglyphs under the strong leadership of Ike Eastvold, the Albuquerque League of Women Voters, and the Albuquerque Chapter of the Sierra Club have worked hard to preserve this unique area, but there is a need for immediate Federal action if we are to preserve the area for future generations.

S. 286 will enable us to protect critical segments of the escarpment and immediately adjacent lands with a working partnership, including the City of Albuquerque, State of New Mexico and the Federal Government.

S. 798 would expand the Chacoan system. The San Juan Basin is an area of major significance in the cultural history of North America. Chaco Canyon, which was designated as a national monument in this region in 1907, contains spectacular archeological remains of the Native American past which have long been recognized as representing an archeological peak in Anasazi Indian prehistory.

As research and discoveries by the Chaco Center and others verify the extent of the prehistoric Chacoan system, the need for adequate protection of the outlying sites became increasingly evident.

Since initial protective legislation was passed in 1980, additional prehistoric sites have been documented, studied and identified as belonging to the prehistoric system.

S. 798 will enable us to protect and preserve 38 archeological protection sites totaling approximately 50,032 acres in the San Juan Basin that have been ascertained to be of Chacoan Anasazian affiliation.

I am very pleased that Anna Sofaer of the Solstice Project is here today to testify on behalf of the Chaco legislation. I appreciate the good work that you have done in seeking protection for the Chaco system, and I am sorry I will not be here to hear your testimony today. I look forward to reading that.

I am also, of course, concerned about the recent discovery that the Solstice Project may have been compromised. I look forward to reviewing your testimony on that as well.

I would like to remind witnesses as we go forward in the hearing to please summarize their testimony and limit their oral remarks to something around five minutes. The entire written statements will be included in the record, and at this point I would propose to place copies of both pieces of legislation in the hearing record.

[The prepared statement of Senator Wallop and the text of S. 286 and S. 798 follow:]

Malcolm Wallop

Statement of

Senator Malcolm Wallop

Subcommittee on Public Lands, National Parks and Forests

Hearing on S. 286 and S. 798

July 27, 1989

Mr. Chairman, I would like to make a few remarks regarding the pending bills.

I appreciate your scheduling this hearing to enable us to discuss the merits of these particular pieces of legislation, S. 286, which would establish the 7,100 acre Petroglyph National Monument near Albuquerque, New Mexico, and S. 798, which would expand the system of Chacoan Archeological Sites Protection established in 1980 by adding five new sites and enlarging 13 existing sites.

In addition, I commend Senators Bingaman and Domenici for their hard work in reaching an agreement concerning these bills and for their successful field hearing in the State of New Mexico on the Petroglyph issue.

Both of my distinguished colleagues from New Mexico have always been strong advocates for protecting the cultural and natural resources of their State, and these pieces of legislation reflect their interest in preserving the rich cultural heritage New Mexico enjoys. I am well aware of the hard and diligent work that my distinguished colleagues have accomplished in attempting to secure passage of this bill.

I look forward to reviewing the testimony of the witnesses, and to working with Senators Bingaman and Domenici on these bills.

Thank you, Mr. Chairman.

101st CONGRESS
1st Session

S. 286

To establish the Petroglyph National Monument in the State of New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

January 31 (legislative day, January 3), 1989

Mr. Domenici (for himself and Mr. Bingaman) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish the Petroglyph National Monument in the State of New Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act shall be cited as the "Petroglyph National Monument Establishment Act of 1989".

(b) The Congress finds that—

(1) the nationally significant Las Imagines National Archeological District on Albuquerque's Northwest Mesa Volcanic Escarpment contains more than fifteen thousand documented prehistoric and historic petroglyphs;

(2) this district also contains approximately 65 other archeological sites;

(3) the State of New Mexico has shown great leadership by recognizing the importance of the archeological resources of the Northwest Mesa Volcanic Escarpment through the establishment of the Las Imagines National Archeological District;

(4) the city of Albuquerque has played a significant role in the preservation of the natural, cultural, and recreational resources of the Northwest Mesa Volcanic Escarpment;

(5) the Middle Rio Grande Pueblo Tribes have shown a strong and sincere interest in preservation of their heritage through protection of the Northwest Mesa Volcanic Escarpment;

(6) the Atrisco Land Grant, now held by Westland Development Co., Inc., a corporation whose stock is owned primarily by heirs of the Atrisco Land Grant, has played a significant role in the settlement of the West Mesa area since the grant's formation in 1692 and has shown a strong interest in the preservation of their traditional lands;

(7) the National Park System has no unit established for the specific purpose of protecting, preserving, and interpreting prehistoric and historic rock art; and

(8) it is appropriate that such a unit be established at the Northwest Mesa Volcanic Escarpment near Albuquerque, New Mexico.

SEC. 2. (a)(1) In order to preserve, for the benefit and enjoyment of present and future generations, that area in New Mexico containing the nationally significant West Mesa Escarpment, the Las Imagines National Archeological District, a portion of the Atrisco Land Grant, and other significant natural and cultural resources, there is hereby established the Petroglyph National Monument (hereinafter referred to as the "monument") as a unit of the National Park System. The monument shall consist of approximately 5,150 acres generally known as the Atrisco Unit and as depicted on the map entitled "Boundary Map, Petroglyph National Monument", numbered NM–PETR–80,010 and dated January 1989, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, in the offices of the Department of Energy, Minerals, and Natural Resources of the State of New Mexico, in the office of the mayor of the city of Albuquerque, New Mexico, and in locations throughout the monument as appropriate.

(2) Upon application by the city of Albuquerque, New Mexico, to include the lands described on the map referred to in paragraph (1) as the Piedras Marcadas Unit and upon a

determination by the Secretary of the Interior (hereinafter referred to as the "Secretary") that all lands and all interests therein have been acquired, the Secretary is authorized to extend the boundaries of the monument to include such lands by publication of a notice in the Federal Register.

(3) Upon application by the State of New Mexico to include the lands described on the map referred to in paragraph (1) as the Boca Negra Unit and upon a determination by the Secretary that all lands and all interests therein have been acquired, the Secretary is authorized to extend the boundaries of the monument to include such lands by publication of a notice in the Federal Register.

(b) Within 6 months after the enactment of this Act, the Secretary shall file a legal description of the monument designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a) of this section. The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, in the offices of the Department of Energy, Minerals, and Natural Resources of the State of New Mexico, in the office of the mayor of the city of Albuquerque, New Mexico, and in the monument office: *Provided,* That the Secretary may from time to time, after completion of the plan referred to in section 5(a) of this Act, make minor adjustments to the boundary by publication of a revised map or other boundary description in the Federal Register.

SEC. 3. (a) The Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that lands or interests therein owned by the State of New Mexico or a political subdivision thereof may be acquired only by donation or exchange. Where the surface and subsurface estates of any private lands to be acquired are separately owned, the secretary shall not accept title to the surface estate of such lands until he has acquired the subsurface estate underlying the lands.

(b) The Secretary may exchange lands within the area described on the map referred to in section 2 as the Piedras Marcadas Unit for lands owned by the city of Albuquerque, New Mexico, within the area described on the map referred to in section 2 as the Atrisco Unit. The Secretary may exchange lands within the area described on the map referred to in section 2 as the Boca Negra Unit for lands owned by the State of New Mexico within the area described on the map referred to in section 2 as the Atrisco Unit. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal value.

SEC. 4. (a) The Secretary shall administer the monument in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and this Act.

(b) The Secretary is authorized to enter into cooperative agreements with either the State of New Mexico or the city of Albuquerque, New Mexico, under which the Secretary may manage and interpret any lands owned by the State of New Mexico or the city of Albuquerque, New Mexico, within the boundaries of the monument.

(c) In order to encourage a unified and cost effective interpretive program of the natural, cultural, and recreational resources of the West Mesa Escarpment and its environs, the Secretary is authorized to enter into cooperative agreements with other Federal, State, and local public departments and agencies, Indian tribes, and nonprofit entities providing for the interpretation of these resources. Such agreements shall include, but need not be limited to, provision for the Secretary to develop and operate interpretive facilities and programs on lands and interests in lands outside the boundaries of the monument, with the agreement of the owner or administrator thereof. Such cooperative agreements may also provide for financial and technical assistance for the planning and implementation of interpretive programs and minimal development related to those programs.

(d) Prior to acquiring ownership of land or any other form of interest in land within the boundaries of the monument, the Secretary is authorized to acquire a leasehold interest in such land by donation from its owners for the purpose of providing immediate protection against trespass and vandalism and initiating any resource inventories necessary to carry out the purposes of this Act.

SEC. 5. (a) Within 3 years from the date funding is made available for the purposes of this section, the Secretary, in cooperation with the city of Albuquerque and the State of New Mexico, shall develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the monument consistent with the purposes of this Act, including, without limitation—

(1) a description of lands and interests in lands adjacent or related to the monument whose protection by appropriate State or local governmental entities is

deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of this Act;

(2) a statement of the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of its resources;

(3) a general interpretive program;

(4) a plan to implement the joint resolution entitled "American Indian Religious Freedom", approved August 11, 1978 (42 U.S.C. 1996); and

(5) a general development plan for the monument and the estimated cost thereof.

(b) The management plan shall be prepared in consultation with the appropriate Indian tribes and their traditional cultural and religious authorities, the heirs of the Atrisco Land Grant, and the New Mexico State Historical Preservation Office.

(c) The Secretary shall undertake research on other Rio Grande style rock art sites in New Mexico and provide the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, within 3 years of the date funding is made available for the purposes of this section, a report that—

(1) lists various locations of Rio Grande style rock art;

(2) identifies the ownership of the rock art;

(3) identifies the condition of the resources; and

(4) identifies the appropriate type of technical assistance needed for the protection and care of these resources.

The report shall be updated and transmitted to such committees every 2 years thereafter.

SEC. 6. In recognition of the past use of the monument by Indian people for traditional cultural and religious purposes, the Secretary shall insure nonexclusive access to the monument by Indian people for such traditional cultural and religious purposes, consistent with Public Law No. 95–341 (42 U.S.C. 1996). As part of the plans prepared pursuant to section 5, the Secretary, in consultation with appropriate Indian tribes and their traditional cultural and religious authorities, shall define the past cultural and religious uses of the monument by Indian people.

SEC. 7. (a) There is established the Petroglyph National Monument Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall be composed of 6 members appointed by the Secretary for terms of 5 years as follows:

(1) one member, who shall have professional expertise in historic preservation, appointed from recommendations submitted by the Governor of the State of New Mexico;

(2) one member, who shall have professional expertise in historic preservation, appointed from recommendations submitted by the mayor of the city of Albuquerque, New Mexico;

(3) one member, who shall have professional expertise in Indian history or ceremonial activities, appointed from recommendations submitted by the All Indian Pueblo Council;

(4) one member, who shall have professional expertise in the history and management of land grants, appointed from recommendations submitted by the Westland Development Co., Inc.;

(5) two members, one of whom shall have professional expertise in historic preservation and one of whom shall have professional expertise in Indian rock art.

(b) Any member of the Commission may serve after the expiration of his term until his successor is appointed. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) The Chair and other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(e) The Commission shall meet at the call of the Chair or a majority of its members, but not less than twice annually. Four members of the Commission shall constitute a quorum. Consistent with the public meeting requirements of section 10 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall, from time to time, meet with persons concerned with Indian history and historic preservation and with other interested persons.

(f) The Commission may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this Act. Sections 9(c) and 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(g) The Commission shall advise the Secretary on the management and development of the monument. The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Commission on matters relating to the management and development of the monument.

(h) The Commission shall cease to exist 10 years after the date of its first meeting.

SEC. 8. The first sentence of section 202 of Public Law 100–225 (16 U.S.C. 460uu–12) is amended by deleting "and Zuni-Cibola National Historical Park" and inserting "Zuni-Cibola National Historical Park, and Petroglyph National Monument.".

SEC. 9. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

○

II

101st CONGRESS
1st Session

S. 798

To amend Title V of the Act of December 19, 1980, designating the Chaco Culture Archaeological Protection Sites, and for other purposes.

IN THE SENATE OF THE UNITED STATES

April 13 (legislative day January 3), 1989

Mr. Domenici (for himself and Mr. Bingaman) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources.

A BILL

To amend Title V of the Act of December 19, 1980, designating the Chaco Culture Archaeological Protection Sites, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1989."

SEC. 2. ADDITIONS TO ARCHEOLOGICAL PROTECTION SITES.

Subsection (b) of section 502 of the Act of December 19, 1980 (94 Stat. 3228, Public Law 96–550), is hereby amended by deleting it in its entirety and replacing it with the following new subsection (b):

“(b) Thirty-eight outlying sites are hereby designated as ‘Chaco Culture Archeological Protection Sites’. The thirty-eight archeological protection sites totalling approximately fifteen thousand and thirty-two acres are identified as follows:

Name:	Acres
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa’ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jacques	40
Kin Nizhoni	726
Lake Valley	30
Las Ventanas	356
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Morris 41	85
Muddy Water	1,210
Newcomb	50
Peach Springs	1,046
Pierre’s Site	440
Raton Well	23
San Mateo	61
Sanostee	1,565
Section 8	40
Skunk Springs/Crumbled House	588
Squaw Springs	870
Standing Rock	348
Toh-la-kai	10
Twin Angels	40
Upper Kin Klizhin	60”.

SEC. 3. MAP.

A map entitled 'Chaco Culture Archeological Protection Sites' generally depicting the thirty-eight outlying sites shall be kept on file and available for public inspection in the office of the Headquarters of the Chaco Culture National Historical Park and in the office of the State Director of the Bureau of Land Management in Santa Fe, New Mexico.

Senator **Bingaman**. The hearing record will remain open for two weeks after we have the hearing for additional comments and additional statements that people wish to submit in writing.

I understand that Senator Domenici is on the floor handling legislation at this point and will be here as quickly as he can. I see that both Congressman Richardson and Congressman Schiff are here. If they would come forward, we are anxious to hear their statements. Both of them have been strong allies in pursuing particularly the Petroglyph legislation. Of course, Congressman Richardson has also been intimately involved in the Chacoan Outlier effort.

Congressman Richardson, why not go forward first and give us your statement. I want to compliment you particularly on the picture of you in the local newspaper as the best baseball player in the House of Representatives. It shows you at the height of your form.

STATEMENT OF HON. BILL RICHARDSON, A U.S. REPRESENTATIVE FROM NEW MEXICO

Mr. **Richardson**. Senator, thank you very much for allowing me to appear in support of this legislation of which you and Senator Domenici and Congressman Schiff are the original cosponsors. I am a House cosponsor.

I think it is a bill that is very important to New Mexico. It is a bill that is not just related to Bernalillo County or Albuquerque or the West Mesa. I think this is a national bill. I think if we are talking about the priorities of the National Park Service on a national basis, this would rank very much at the top.

The need is very obvious. The Park Service has noted that the petroglyphs are being damaged by vandalism, shootings, thefts, construction activity. Just recently some petroglyphs were sold openly through a national magazine. In addition, the National Trust for Historic Preservation lists the West Mesa petroglyphs as one of the 11 most endangered historic places in the country.

Our Native American leader, Herman Agoya, probably has said it best. He said these petroglyphs are the symbols and legends of the pueblo life and culture of those times to remind us of who we are and where we came from.

There are great examples. I think we are going to have witnesses here who will tell us with more knowledge than I have about their historical, cultural, and religious significance.

I think it is important also that we recognize that this project has to have the cooperation of the State government. The state has committed $6 million. The City of Albuquerque has raised $13 million. I noted that in your Appropriations Committee here in the Senate you have put forth $1 million for the purchase of some of this land, and I can assure you that we will make every effort when the House and Senate go to conference to retain that amount.

Mr. Chairman, I would urge the Subcommittee to consider authorizing the 7,274 acres including the Atrisco, the Boca Negras and Piedras Marcadas unit when this legislation is considered.

Mr. Chairman, I have one more point and then I will defer to the original sponsor of this legislation. I have an amendment that I would like to offer in the House which creates a rock art research center. I believe such a center would, among other things, increase our knowledge of prehistoric Indian cultures, broaden our understanding and appreciation of the Spanish rock art and attendant culture, and provide an opportunity for contemporary Pueblo people to research and share their cultural traditions.

I would also like to mention my support for S. 798 which I believe you and Senator Domenici have introduced protecting the Chacoan Outliers. This legislation will protect important structures and artifacts from the Chacoan Anasazi Indian culture located in the San Juan Basin, and I think their addition to the Cultural Archeological Protection Site system of the Chaco is important for their protection and preservation.

I would only add here, Mr. Chairman, that I might suggest some additional area that might be included in this bill.

Again, in principal, I commend you for your leadership. I believe this is your third hearing on the subject. I know how important it is to the state, and I am here to offer whatever support I can to you and Senator Domenici and the main sponsor in the House, Steve Schiff. I am on the Interior Committee and, as you know, you have my full support.

I want to thank you again for allowing me to make these brief remarks, and I would ask unanimous consent that my entire statement be made part of the record.

[The prepared statement of Mr. Richardson follows:]

JULY 27, 1989

CONGRESSMAN BILL RICHARDSON

TESTIMONY ON S. 286,

THE PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT OF 1989

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO TESTIFY IN SUPPORT OF SENATOR PETE DOMENICI'S LEGISLATION ESTABLISHING THE PETROGLYPH NATIONAL MONUMENT IN THE STATE OF NEW MEXICO.

I HAVE LONG BEEN A SUPPORTER OF ADDING THE WEST MESA PETROGLYPHS TO OUR NATIONAL PARK SYSTEM AS A METHOD OF PROTECTING THEM FROM VANDALISM AND ENCROACHING DEVELOPMENT. I WAS PLEASED TO BE AN ORIGINAL COSPONSOR OF H.R. 4930 INTRODUCED BY CONGRESSMAN LUJAN IN THE 100TH CONGRESS, AND TO HAVE PARTICIPATED IN HEARINGS ON THIS ISSUE HELD BY THE HOUSE INTERIOR SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS LAST FALL IN ALBUQUERQUE. I AM ALSO PLEASED TO BE AN ORIGINAL COSPONSOR ON THE HOUSE COMPANION TO S.286, INTRODUCED BY MY FRIEND AND FELLOW NEW MEXICAN, STEVEN SCHIFF WHO HAS TAKEN UP SO ABLY WHERE MR. LUJAN LEFT OFF.

S. 286 AND H.R. 745 ARE CRITICALLY NEEDED. THE PARK SERVICE HAS NOTED THAT THE PETROGLYPHS ARE BEING DAMAGED BY VANDALISM, SHOOTING, THEFT, AND CONSTRUCTION ACTIVITY. JUST RECENTLY, SOME PETROGLYPHS WERE SOLD OPENLY THROUGH A NATIONAL MAGAZINE. IN ADDITION, THE NATIONAL TRUST FOR HISTORIC PRESERVATION LISTS THE WEST MESA PETROGLYPHS AS ONE OF THE ELEVEN MOST ENDANGERED HISTORIC PLACES IN AMERICA.

HERMAN AGOYA, CHAIRMAN OF THE ALL INDIAN PUEBLO COUNCIL HAS SAID IT BEST: "THESE PETROGLYPHS ARE THE SYMBOLS AND LEGENDS OF THE PUEBLO LIFE AND CULTURE OF THOSE TIMES . . . TO REMIND US OF WHO WE ARE AND WHERE WE CAME FROM . . . ." THE PETROGLYPHS ARE MAGNIFICENT SAMPLES OF THE RIO GRANDE STYLE OF ROCK ART PRACTICED FROM THE 14TH THROUGH THE 17TH CENTURIES. MANY OF THESE SAME SYMBOLS ARE IN USE TODAY. AS SUCH, THE WEST MESA PETROGLYPHS ARE VITAL TO THE LIVING CULTURAL AND RELIGIOUS LIFE OF THE PUEBLO INDIANS.

FOR THE RECORD, I WOULD LIKE TO BRING TO THE ATTENTION OF MY SENATE COLLEAGUES THE BROAD BASED SUPPORT WHICH EXISTS FOR PROTECTING THE WEST MESA PETROGLYPHS. THE STATE OF NEW MEXICO HAS COMMITTED 6 MILLION DOLLARS WHILE THE CITY OF ALBUQUERQUE HAS RAISED 13.82 MILLION DOLLARS BOTH FOR THE PURPOSE OF BUYING ADDITIONAL SITES. ALBUQUERQUE HAS ALSO ESTABLISHED A ONE YEAR MORATORIUM ON BUILDING PERMITS AND PUBLIC WORKS PROJECTS IN THE PROPOSED MONUMENT SITES, AND IS ACTIVELY PURSUING OPTIONS IN ALL THREE UNITS.

SHOULD THESE AREAS BE EXCLUDED FROM THE AUTHORIZATION, THERE IS SOME CONCERN THAT THE RELIGIOUS RIGHTS OF PUEBLO PEOPLE MAY NOT BE ADEQUATELY PROTECTED. ADDITIONALLY, AREAS NOT INCLUDED IN THE AUTHORIZATION WILL NOT HAVE THE PROTECTIONS AFFORDED BY FEDERAL ENVIRONMENTAL LAWS WHICH COULD LEAD TO UNDUE DEGRADATION OF SOME ROCK ART.

GIVEN THE DEMONSTRATED COMMITMENT OF BOTH THE STATE OF NEW MEXICO AND THE CITY OF ALBUQUERQUE, I WOULD URGE THE SUBCOMMITTEE TO CONSIDER AUTHORIZING ALL 7,274 ACRES, INCLUDING THE ATRISCO, BOCA NEGRO, AND PIEDRAS MARCADAS UNITS WHEN THIS LEGISLATION IS CONSIDERED.

AT THIS TIME, I WOULD LIKE TO MENTION AN AMENDMENT I HAVE PROPOSED TO CREATE A ROCK ART RESEARCH CENTER. I BELIEVE SUCH A ROCK ART RESEARCH CENTER WOULD AMONG OTHER THINGS, INCREASE OUR KNOWLEDGE OF PREHISTORIC INDIAN CULTURES, BROADEN OUR UNDERSTANDING AND APPRECIATION OF THE SPANISH ROCK ART AND ATTENDANT CULTURE, PROVIDE AND OPPORTUNITY FOR CONTEMPORARY PUEBLO PEOPLE TO RESEARCH AND SHARE THEIR CULTURAL TRADITIONS AND PROVIDE DATA FOR PUBLIC EDUCATION AND INTERPRETATION OF THE PETROGLYPHS.

I WOULD ALSO LIKE TO MENTION MY SUPPORT FOR SENATOR DOMENICI'S S. 798, PROTECTING THE CHACOAN OUTLIERS. THIS LEGISLATION WILL PROTECT IMPORTANT STRUCTURES AND ARTIFACTS FROM THE CHACOAN ANASAZI INDIAN CULTURE LOCATED IN THE SAN JUAN BASIN OF NORTHWEST NEW MEXICO. THEIR ADDITION TO THE CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES SYSTEM IS IMPORTANT FOR THEIR PROTECTION, AND PRESERVATION.

Senator BINGAMAN. We will include your entire statement in the record. Thank you very much for the strong support you are providing for both pieces of legislation.

At this point, let us go ahead and hear from Congressman Schiff, who has been actively supporting the petroglyph legislation in particular. He is the prime sponsor of that on the House side and along with Congressman Richardson attended and participated very actively in the hearing we had in Albuquerque.

Congressman Schiff, thank you for being here.

STATEMENT OF HON. STEVEN H. SCHIFF, A. U.S. REPRESENTATIVE FROM NEW MEXICO

Mr. SCHIFF. Thank you, Mr. Chairman, and I will be brief at your suggestion.

First, I want to particularly thank you for holding this hearing and for inviting me to participate.

Second, I want to thank Congressman Bill Richardson, my colleague from the Third District, for participating with me. Since the petroglyphs are in my district, I am grateful for his assistance in the matter.

Mr. Chairman, I also brought with me some color photographs of the petroglyphs. I did not know if there would be any defenders here at this time not from New Mexico. I assume that both you and Senator Domenici have seen them in person quite a number of times, so I will forego that.

I just want to make a couple of brief points, Mr. Chairman, for the record. The main thing is I am the prime sponsor of a similar bill dealing with the petroglyphs. It is H.R. 745 in the House.

What I want to emphasize is that in my mind, this is not simply a project to benefit my district. I am well aware that there are many projects proposed to add national parks and so forth in virtually every Congressional district in the country, and I am sure they would be useful if they could be provided.

Knowing that funds are limited, in order for me to sponsor this project it took more than simply the idea of spending money in my district.

I believe, Mr. Chairman, that the petroglyphs are a national asset and a national treasure. They just happen to be located in and about Albuquerque, New Mexico, but I think that they offer an historical collection that ranks with findings in caves around the world and in other areas of many generations ago and how the people lived and how they worshipped. I think that we have a unique opportunity to preserve an irreplaceable national treasure, one that is part of the history and culture of the whole country.

The other comment I want to make, Mr. Chairman, is that we have to move rapidly. The petroglyphs are in serious danger. As mentioned by Congressman Richardson, they are the subject of vandalism. They are the subject of looting. I saw the same advertisement of a petroglyph for sale in a national catalog.

Just as significantly, Mr. Chairman, many of the petroglyphs are located on private property. There are private individuals who own the land upon which the petroglyphs are located who when they purchased that land had every intention of developing it, of putting houses on it or whatever else they wished to do legally with their own property, as is their right. Right now, that development has been curtailed as they wait to see what the Congress of the United States will do.

I would welcome an appropriation, but just the authorization, Mr. Chairman, would free up, I believe, certain moneys from the State of New Mexico to begin the public acquisition of this land which would lead to its preservation.

One final point, Mr. Chairman. In order to demonstrate that this is indeed a national project and not one simply of value to the people of my district of New Mexico, I have been approaching, first of all, other members of the House one by one in order to secure cosponsorship and to demonstrate to them that this is of national importance. I have 20 cosponsors now. Although that is only a little less than 5 percent of the House, these are members from all over the country, from New York to California and of both parties.

Second, I have approached national organizations interested in historic preservation, and they have assured me they will assist in approaching their members of the House to support this on the same theory. They see this as a national treasure.

That completes my remarks, Mr. Chairman. I do ask consent that my written statement be made part of the record.

[The prepared statement of Mr. Schiff follows:]

TESTIMONY OF U.S. REP. STEVEN H. SCHIFF

U.S. SENATE SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS
THURSDAY, JULY 27, 1989

I am Congressman Steve Schiff of New Mexico. I represent the First Congressional District, which includes the City of Albuquerque -- and the West Mesa Escarpment which is home to the petroglyphs -- the subject of this hearing.

Thank you for the opportunity to address this subcommittee on an issue that is high on my agenda not only for its religious and historical significance to the people of my district, but because it is important to the entire country.

As you may know, the very first bill I sponsored in the House would establish the Petroglyph National Monument on Albuquerque's west side to protect the petroglyphs from encroaching development and from vandalism. Since its introduction, I have been in contact with a number of organizations nationwide asking that they contact their congressmen and urge their support and co-sponsorship of this bill. I am happy to report that HR 745 now has 20 co-sponsors, including both of my New Mexico colleagues in the House.

And, of course, New Mexico Senators Domenici and Bingaman have introduced legislation in this body.

If I may offer a little background about the petroglyphs, I think it will help to explain why they warrant the protection of the federal government and designation as a national monument.

The petroglyphs are about 15,000 drawings on a volcanic ridge on about 7,000 acres on the western edge of Albuquerque. They depict people, animals and a variety of other images. The drawings are anywhere from about 700 to about 1300 years old. They constitute the highest concentration of ancient Indian rock art in these United States. They were made by early Pueblo Indians and later by Spanish settlers. And they share a home with at least 65 other archaeological sites, some of which are 12,000 years old.

There are very few other sites of this magnitude anywhere in the United States. And those that exist either have sufferd from extensive vandalism or are unavailable to the general public.

But time is working against us. Some of the drawings have already been defaced with spray paint or have been used for target practice -- and others are threatened. The entire site is threatened by the encroaching development of one of the fastest growing cities in the United States.

Immediate action is necessary to protect the petroglyphs. My bill in the House and the Domenici-Bingaman bill here in the Senate would quickly take the necessary protective steps by mandating the federal government's purchase of about 5,000 acres of the area. The bills also involve the City of Albuquerque and the State of New Mexico in the acquisition of the land, as they would put up $40 million of the $90 million total purchase price.

THAT'S A LITTLE BACKGROUND AND A LOT OF NUMBERS. BUT THE TRUE SIGNIFICANCE OF THESE DRAWINGS CANNOT BE DESCRIBED IN DOLLAR FIGURES OR ACREAGE. THE PETROGLYPHS ARE A UNIQUE NATIONAL TREASURE OF IMMEASURABLE CULTURAL AND HISTORICAL SIGNIFICANCE TO THE ENTIRE NATION. THEY ARE A LINK TO THE ANCIENT PAST FOR THIS GENERATION OF NEW MEXICANS AND AMERICANS AND FOR GENERATIONS TO COME. AND THEY ARE AN ESPECIALLY PERSONAL LINK -- WITH GREAT RELIGIOUS SIGNIFICANCE -- TO THE DESCENDANTS OF THEIR ARTISTS -- THE PUEBLO INDIANS WHO LIVE TODAY IN NEW MEXICO AND ARIZONA.

LET ME PERSONALLY INVITE EACH ONE OF YOU TO VISIT THE PETROGLYPHS AND SEE FOR YOURSELVES WHY THEY MERIT DESIGNATION AS A NATIONAL MONUMENT. AND LET ME ASK YOU TO JOIN SENATORS DOMENICI AND BINGAMAN, REPRESENTATIVES SKEEN AND RICHARDSON AND MYSELF IN PRESERVING THIS IMPORTANT PIECE OF HISTORY FOR ALL AMERICANS.

THANK YOU.

Senator **Bingaman**. We will include that in the record and, again, thank you for the strong support you are providing on this issue over on the House side.

Let me now defer to Senator Domenici, who is the prime sponsor of both pieces of legislation here in the Senate and who has worked for a very long time on both of these items.

Senator Domenici.

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator **Domenici**. Mr. Chairman, thank you very much. Let me defer any comments on the second bill, the Chacoan Outlier, just in the interest of time. Before those witnesses start, I will address that issue.

Let me just first thank Congressman Richardson for his support here. This is not in his district, and we very much appreciate his willingness to help try to pass this on the House side. I am rather confident, and say to both my colleagues from New Mexico, that we will pass this authorizing legislation out of the Senate rather quickly.

I think we were helped immeasurably when the Appropriations Subcommittee put some good faith money in even ahead of the authorization. They put $1 million in, and I think that bodes well for our efforts. We hope that we can be helpful by sending it to you quickly, and then we will do whatever we can to help you in the U.S. House of Representatives.

I want to say before we start the hearing, after thanking you and welcoming you, that there is one New Mexican that I especially want to welcome here today. I do not believe he is going to testify, but Ike Eastvold, who many of you have met, President of the Friends of the Albuquerque Petroglyphs, is here.

I have not had a situation where I have met someone who showed me a problem and took me out to visit it, just a short time ago in the summer of 1986, and could see the progress where today we are holding final hearings which I believe will create a very significant national monument area for this country.

That is because of hundreds of people in New Mexico and now around the country who support it. The leader of that group and a volunteer who spent huge amounts of time on this subject matter, although he has been joined literally by scores of dedicated people, is Ike Eastvold.

As I indicated, I am optimistic because we got a head start with an appropriation to begin this. On the other hand, there is no question that this is a major project. It may cost the Federal Government as much as $58 million, but that will be matched by resources in dollars from the local communities and the state, which I believe make it truly a joint venture of significant portions between local governments and the Federal Government.

Representative Schiff, you have taken up where Congressman Lujan left off. We started this bill some years ago. He left us, and we are delighted that you have taken up this cause. Again, I compliment you for it.

It is indeed, as you have so aptly stated, more than just a New Mexico, Bernalillo County or Albuquerque asset. If this is not protected, it will leave the scene in terms of its qualities, in terms of any chance of preserving it.

I used to think that when you looked at the potential for preservation that you had to think out 20, 30 or 40 years and say "I will be a dreamer to save this because it is going to be ruined 30 years from now"; or you would have to envision a whole sequence of events to justify it.

This one is upon us. You do not have to dream very much to know that Albuquerque is going to jump this escarpment, and there are going to be all kinds of activities, housing, development of all types just over it. Clearly, they will not jump it. They will engulf it and eat it up. There is no question about it. So time is of the essence.

Senator Bingaman, I am most appreciative that you are helping us expedite this, and I do thank you for taking time out. You are obviously very busy with your assignment in the Hastings trial, and I thank you very much for helping. I think together we will get this done.

Thank you very much.

[The prepared statement of Senator Domenici follows:]

STATEMENT OF SENATOR PETE V. DOMENICI

ON

S. 286, THE PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT OF 1989

AND

S. 798, THE CHACOAN OUTLIERS PROTECTION ACT OF 1989

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

July 27, 1989

Mr. Chairman, thank you for holding this hearing on the Petroglyph National Monument Establishment Act of 1989 and the Chacoan Outliers Protection Act of 1989. I am very appreciative that you have cosponsored both of these measures. Your strong support for these bills has added impetus to the drive to protect these significant resources.

The Petroglyph National Monument Establishment Act of 1989

The Petroglyph National Monument Act of 1989, S. 286, would establish the Petroglyph National Monument on the Northwest Mesa Volcanic Escarpment in Albuquerque in order to preserve the escarpment and the estimated 15,000 historic Indian and Spanish petroglyphs found on its face.

In 1986, concerned citizens in Albuquerque brought the need to protect the petroglyphs to my attention. I then requested the National Park Service to study the petroglyphs and subsequently convened an ad hoc Advisory Committee on the Establishment of a Petroglyph National Monument. Both the National Park Service study and the report of the advisory committee endorsed the creation of a Petroglyph National Monument.

I first introduced legislation to establish the Petroglyph National Monument in the 100th Congress with then-Representative -- now Secretary of the Interior -- Manuel Lujan. S. 286 is very similar to the bill introduced last Congress.

I am pleased that the new Representative from Albuquerque, Steve Schiff, has taken up where Manuel Lujan left off by introducing the Petroglyph National Monument Establishment Act in the House of Representatives this year. It is a mark of his dedication to preserving the petroglyphs that the Petroglyph National Monument Establishment Act was the first bill that Representative Schiff introduced.

Last April, the Subcommittee held a hearing on S. 286 in Albuquerque. Every witness supported the creation of a Petroglyph National Monument. Today we will hear the Administration's views on the bill, and I am hopeful that the Administration will add its voice to those calling for the protection of the petroglyphs.

I hope that today's witnesses will address the three major issues surrounding this bill:

> First, can the Federal Government afford the $58 million cost of its share of this project and how much should the City of Albuquerque and the State of New Mexico contribute?
>
> Second, how should Westland Development Co.'s property within the proposed monument be acquired -- by fee purchase or by conservation easement?
>
> Third, how should the joint ownership and management of the National Monument be structured to provide expeditious acquisition, uniform protection, and coordinated management of the area?

I am optimistic that we can resolve these issues in the coming weeks and bring this bill before the full Committee for its approval in the near future.

The Chacoan Outliers Protection Act of 1989

The Chacoan Outliers Protection Act of 1989, S. 798, would expand the Chaco Archeological Protection Sites System to include an additional 6,261 acres containing structures and artifacts associated with the Chacoan Anasazi Indian culture of the San Juan Basin of northwestern New Mexico.

The San Juan Basin is an area of major significance to the cultural history of North America. It is here that a people that we now call the Anasazi, which is Navajo for "the ancient ones," mysteriously appeared, flourished, and suddenly disappeared in the space of 400 years, from 900 to 1300 A.D. The center of this civilization was Chaco Canyon, a remote and barren site.

The Anasazi built many pueblos and structures around Chaco Canyon and established a large network of outlying communities, known as Chacoan outliers. The Chacoan outliers were spread over an area of 30,000 square miles and linked by an extensive system of roads.

Archeologists debate the purpose of Chaco Canyon and its outlying communities. The traditional view is that Chaco was a trade center, but an emerging body of evidence, bolstered by the archeo-astronomy work of the Solstice Project, points to Chaco also as a religious and ceremonial site.

Chaco Canyon has long been recognized as being a nationally and internationally significant site. In 1907, Chaco Canyon was designated a National Monument. The United Nations demonstrated the international significance of Chaco Canyon when it recently designated Chaco Canyon and five Chacoan outliers as World Heritage Cultural Properties.

In 1980, I introduced and the Congress passed the Chaco Culture National Historical Park Establishment Act, which became Public Law 96-550. Public Law 96-550 enlarged the park and re-established it as the Chaco Culture National Historical Park, consisting of the main body of the park and three noncontiguous units. The Act also mandated procedures for the protection, preservation, and administration of archeological remnants of the Chacoan culture.

When Chaco Canyon was first afforded Federal protection in 1907, numerous archeological sites were known to exist outside the boundaries of the National Monument. Their relationship to Chaco Canyon, however, was unclear. Archeologists subsequently determined that many of these sites -- some as far as 100 miles from Chaco Canyon -- were part of the Chacoan culture.

To the untrained eye, the physical remains of the Chacoan outliers are difficult to discern. At some of the sites, walls still stand. At most sites, however, the magnificent structures of the Anasazi people have collapsed into a mound of rubble, which over the years have been buried by the desert sands.

Unfortunately, over the years, many of these sites were vandalized by unscrupulous pot-hunters or degraded by development activities.

In order to protect these outliers, Public Law 96-550 designated 33 sites as Chaco Culture Archeological Protection

Sites. The Secretary of the Interior is charged with managing these sites in order to preserve them and provide for their interpretation and study. Activities that would endanger the cultural values of the sites are prohibited.

S. 798 would expand that system to provide protection to an additional 6,261 acres containing important Chacoan archeological sites.

Ownership of the lands containing the archeological protection sites is a checkerboard of private, State, Federal, and Indian interests. The Indian interests include trust, allotted, and fee parcels. In addition, some surface and subsurface ownerships are divided between two or more entities. Therefore, Public Law 96-550 mandated that these lands be protected by cooperative agreements, rather than Federal acquisition, where possible.

The Chacoan outliers are not included in the National Park System. Rather, they are managed primarily by BIA and BLM. These entities are responsible for resource protection and preservation at the sites.

S. 798 would add five new sites totalling 3,611 acres to the 33 existing Chaco Culture Archeological Protection Sites. Included in these five new archeological protection sites is the first Forest Service site, the Chimney Rock site in Southern Colorado.

The bill also expands the boundaries of 13 of the existing archeological protection sites by a total of 2,650 acres. Thus, the total acreage of the archeological protection site system would be increased from 8,771 to 15,032.

These additions, which are the result of 8 years of research by Federal, State, and Indian archeologists, were recommended by the Interagency Management Group for the Chaco Culture Archeological Protection Site System, consisting of the National Park Service, BIA, BLM, the Forest Service, the Navajo Nation, and the State of New Mexico. They also are in accordance with the 1983 Joint Management Plan for the Chaco Archeological Protection Site System.

Mr. Chairman, the Petroglyph National Monument Establishment Act of 1989 and the Chacoan Outliers Protection Act of 1989 would preserve sites of major cultural significance for future generations and assure that the sites are protected from further degradation. These sites are part of the cultural heritage of all Americans and we must act to preserve them, for cultural resources, once lost, can never be restored or regained.

Senator **Bingaman**. Thank you, we appreciate your coming over, Congressman.

We will start with the first panel; Jerry Rogers, Associate Director of the National Park Service, who is going to testify as to the position of the Park Service.

He is accompanied by Douglas Faris, who is well known and respected by all of us for the great work he does for the country and for our State.

STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 286, ACCOMPANIED BY DOUGLAS FARIS

Mr. **Rogers**. Mr. Chairman, thank you. Earlier this morning, Director Ridenour called me into his office and, with the deepest regret, asked me to substitute for him here today, and he specifically asked that his apologies be extended. He wanted to be here to testify positively on both of these two very important bills.

Mr. Chairman, we support enactment of S. 286, if amended to reduce its cost. The ancient Pueblo Indian and Spanish rock art are seriously threatened and must be protected soon. We therefore support establishment of a new unit of the National Park System.

However, we must point out that, in the current fiscal climate, the National Park Service should not have to support all of the financial burden.

Within this area, as you have already said, are an estimated 15,000 to 17,000 petroglyphs, and they include magnificent figures of lizards, horned lizards, large mammals, birds, human ceremonial figures, star-beings, flute players, horned and masked serpents, Kachina masks, historic crosses and religious figures. This escarpment is on the National Register of Historic Places, and the petroglyphs and the 65 known archeological sites in the district represent perhaps 10,000 to 12,000 years of human history, depicting images of great religious importance to the Pueblo Indians as well as influence of Spanish settlers.

Some of the petroglyphs themselves are estimated to be more than 3,000 years old, and yet others are from a more recent early historic period when Spanish sheep herders used the area.

The resources are, as Senator Domenici just said, immediately threatened. Subdivisions have been proposed right up to the base of the escarpment and on the mesa top. Homes have already been built next to major rock art concentrations.

Petroglyphs are continuously lost or damaged by vandalism, shooting, theft and construction activity.

In report language accompanying the fiscal year 1987 and 1988 Interior and Related Agencies Appropriations Act, Congress provided for a study of the area. The study was completed in 1988, and we have the results of that for the committee's examination, if you would like to have it.

Senator **Bingaman**. We appreciate that, and we will keep it here in the committee records.

Mr. **Rogers**. S. 286 reflects the second alternative that is shown in our alternative study: a combination of National Park Service and city and State management, which we believe would be the most sensible one.

We are pleased that special language included in sections 5 and 6 would ensure that plans for the monument and its operation would recognize the past and present use of the areas by Indian people. That ought to be done.

We wanted to point out that the membership of the advisory commission established in section 6 should be expanded to include representatives of local residents, park users and others with a substantial interest in how the monument should be managed.

We recommend, in the area of cost containment, that S. 286 be amended to authorize appropriations of no more than $30 million for land acquisition. Our formal statement suggests boundary adjustments, cost sharing changes, and other means that might reduce the Federal costs. We would be pleased to work with the committee to draft an appropriate combination of amendments.

Mr. Chairman, we also recommend that areas owned or acquired by the city and State, encompassing the central and northern portions of the escarpment, be managed by those entities. We would seek cooperative agreements to ensure consistent management.

Development costs for the park would be addressed in the general management plan. They cannot be estimated with certainty at this time.

We believe that a partnership among the Federal Government, the State of New Mexico and the City of Albuquerque will ensure the perpetuation of these resources.

Mr. Chairman, I have briefly summarized Mr. Ridenour's formal statement, and I hope that the formal statement could be included in the record in its entirety. I would point out that the formal statement also includes several technical amendments that we believe would clarify certain provisions of the bill.

Mr. Faris and I would be happy to answer any questions you may have.

[The prepared statement of Mr. Ridenour on S. 286 follows:]

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S.286, A BILL TO ESTABLISH THE PETROGLYPH NATIONAL MONUMENT IN NEW MEXICO

July 27, 1989

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO PROVIDE YOUR SUBCOMMITTEE WITH THE VIEWS OF THE DEPARTMENT OF THE INTERIOR ON THIS LEGISLATION.

WE SUPPORT ENACTMENT OF S.286 IF AMENDED AS DESCRIBED BELOW TO REDUCE ITS COST TO THE FEDERAL GOVERNMENT. THE RESOURCES THAT ARE THE FOCUS OF THIS LEGISLATION--ANCIENT PUEBLO INDIAN AND SPANISH ROCK ART--ARE SERIOUSLY THREATENED AND MUST BE PROTECTED SOON. WE THEREFORE SUPPORT ESTABLISHMENT OF A NEW UNIT OF THE NATIONAL PARK SYSTEM TO HELP PROTECT THESE RESOURCES. HOWEVER, WE DO NOT BELIEVE THAT IN THE CURRENT FISCAL CLIMATE, THE PARK SERVICE CAN SHOULDER ALL OF THE FINANCIAL BURDEN THAT S.286 WOULD IMPOSE.

BACKGROUND

WEST OF ALBUQUERQUE, NEW MEXICO, THE MAJOR LANDSCAPE FEATURE IS THE WEST MESA, MARKED BY A 17-MILE LONG BASALT ESCARPMENT AND FIVE VOLCANIC CONES. WITHIN THIS AREA ARE AN ESTIMATED 15,000 TO 17,000 PETROGLYPHS, WHICH ARE DESIGNS CARVED OR PECKED INTO THE ROCK.

THE PETROGLYPHS RELATE TO PREHISTORIC PUEBLO INDIAN RELIGIOUS IMAGES AND INCLUDE FIGURES FROM THE HISTORIC SPANISH PERIOD. THEY INCLUDE--

-- LIZARDS OR HORNED TOADS

-- LARGE MAMMALS AND BIRDS IN OUTLINE

-- HUMAN CEREMONIAL FIGURES

— "STAR-BEINGS"

— FLUTEPLAYERS

-- HORNED AND MASKED SERPENTS

-- KACHINA MASKS

-- HISTORIC CROSSES AND RELIGIOUS FIGURES

THE ESCARPMENT HAS BEEN ENTERED ON THE NATIONAL REGISTER OF HISTORIC PLACES AS A NATIONAL ARCHEOLOGICAL DISTRICT.

THE ESTIMATED 15,000 TO 17,000 PETROGLYPHS REPRESENT THOUSANDS OF YEARS OF HUMAN HISTORY, DEPICTING IMAGES OF GREAT RELIGIOUS IMPORTANCE TO THE PUEBLO INDIANS AS WELL AS THE INFLUENCE OF SPANISH SETTLERS. THE PETROGLYPHS ARE INTRIGUING AND IMPORTANT STANDING ALONE, BUT THE WEST MESA PROVIDES AN EXCEPTIONAL OPPORTUNITY TO UNDERSTAND THESE IMAGES IN THE CONTEXT OF OTHER ARCHEOLOGICAL SITES, SIGNIFICANT GEOLOGICAL FEATURES, AND MORE RECENT CHANGES IN THE LANDSCAPE.

ALTHOUGH MOST OF THE PETROGLYPHS ARE FROM THE PERIOD 1300-1650, SOME ARE ESTIMATED TO BE MORE THAN 3,000 YEARS OLD AND OTHERS ARE FROM THE HISTORIC PERIOD WHEN SPANISH SHEEPHERDERS USED THE AREA. AT LEAST 65 RECORDED ARCHEOLOGICAL SITES WITHIN THE AREA TELL THE STORY OF MORE THAN 10,000 YEARS OF HUMAN HABITATION IN THE RIO GRANDE VALLEY. THE PROPOSED MONUMENT ALSO DOCUMENTS THE GEOLOGICAL FORCES THAT CREATED THE LANDSCAPE, ESPECIALLY THE VOLCANIC ERUPTIONS 190,000 YEARS AGO. THE TOP OF THE MESA OFFERS PANORAMIC VISTAS OF THE CITY, THE SANDIA AND MANZANO MOUNTAINS TO THE EAST, AND INTERESTING GEOLOGICAL FORMATIONS TO THE WEST.

ALBUQUERQUE IS GROWING RAPIDLY TOWARD THE WEST MESA. SUBDIVISIONS HAVE BEEN PROPOSED UP TO THE BASE OF THE ESCARPMENT AND ON THE MESA TOP. HOMES HAVE ALREADY BEEN BUILT NEXT TO MAJOR ROCK ART CONCENTRATIONS. PETROGLYPHS ARE CONTINUOUSLY LOST OR DAMAGED BY VANDALISM, SHOOTING, THEFT, AND CONSTRUCTION ACTIVITY.

IN REPORT LANGUAGE ACCOMPANYING THE FISCAL YEAR 1987 AND 1988 INTERIOR AND RELATED AGENCIES APPROPRIATION ACTS, CONGRESS PROVIDED FOR A STUDY OF THE AREA. THE STUDY WAS COMPLETED IN 1988. IT OUTLINED THREE ALTERNATIVES, RANGING FROM TOTAL NATIONAL PARK SERVICE MANAGEMENT TO TOTAL CITY - STATE - PRIVATE MANAGEMENT. THESE ALTERNATIVES WERE REPRESENTATIVE OF OPTIONS FOR PRESERVING THE PETROGLYPHS, BUT NOT EXHAUSTIVE. S.286 REFLECTS THE SECOND ALTERNATIVE--A COMBINATION OF NATIONAL PARK SERVICE AND CITY - STATE MANAGEMENT.

WHITE WE CONCUR THAT RESOURCE SHARING WILL BE AN IMPORTANT COMPONENT TO THE SUCCESS OF THIS JOINT EFFORT, WE BELIEVE THAT SOME MODIFICATION OF THE RELATIVE ROLES OF THE STATE, CITY, AND PARK SERVICE FROM WHAT IS PROPOSED IN S.286 IS NECESSARY. WE WILL DESCRIBE HOW S.286 WOULD APPORTION THOSE ROLES, AND THEN DESCRIBE THE CHANGES WE ARE RECOMMENDING.

THE PROPOSAL

S.286 WOULD AUTHORIZE, ESTABLISHMENT OF A PETROGLYPH NATIONAL MONUMENT CONSISTING OF THREE UNITS:

-- ATRISCO UNIT, OF 5,279.95 ACRES. THIS WOULD BE ACQUIRED BY THE NATIONAL PARK SERVICE BY PURCHASE, DONATION, OR EXCHANGE. WITHIN THIS UNIT ARE

APPROXIMATELY 2,245.31 ACRES OF PRIVATE LAND, 640 ACRES OF STATE LAND, AND 2,394.64 ACRES OF CITY-OWNED LAND.

-- PIEDRAS MARCADAS UNIT, OF 1,779 ACRES. THIS UNIT, ADJACENT TO THE ATRISCO UNIT ON THE NORTHEAST, WOULD BE ADDED TO THE MONUMENT UPON APPLICATION BY THE CITY OF ALBUQUERQUE. HOWEVER, UNDER THE BILL, THE SECRETARY MUST DETERMINE THAT ALL LANDS WITHIN THIS UNIT HAVE BEEN ACQUIRED BY THE CITY. CURRENTLY, THE CITY HOLDS TITLE TO 455.65 ACRES WITHIN THIS UNIT. THE REMAINING 1,323.61 ACRES ARE PRIVATELY OWNED. THE CITY HAS ADOPTED A 1/4 CENT SALES TAX THAT WILL YIELD AS MUCH AS $40 MILLION OVER THE NEXT 3 YEARS OF WHICH SOME $13.75 MILLION HAS BEEN ALLOCATED THUS FAR FOR ACQUISITION OF OPEN SPACE IN THE PETROGLYPH AREA. WE EXPECT A SUBSTANTIAL PORTION OF THIS AMOUNT WILL BE SPENT ON LANDS WITHIN THE MONUMENT, PRIMARILY IN THIS UNIT.

-- BOCA NEGRA UNIT, OF 215.10 ACRES. THIS UNIT WOULD BE ADJACENT TO THE ATRISCO UNIT ON THE NORTH. IT IS PRIVATELY OWNED EXCEPT FOR 74 ACRES OF CITY OWNED LAND, THAT COMPRISES PETROGLYPHS STATE PARK. THIS UNIT WOULD BE ADDED TO THE MONUMENT UPON APPLICATION BY THE STATE OF NEW MEXICO. AS WITH THE PIEDRAS MARCADAS UNIT, UNDER THE BILL THE SECRETARY MUST DETERMINE THAT ALL LANDS WITHIN THE UNIT HAVE BEEN ACQUIRED. WE UNDERSTAND THAT THE STATE HAS ENACTED LEGISLATION AUTHORIZING THE ACQUISITION OF THESE PRIVATE LANDS.

THUS THE PETROGLYPH NATIONAL MONUMENT WOULD CONSIST OF A TOTAL OF 7,274.31 ACRES. WHILE THE BILL AUTHORIZES THE ACQUISITION OF STATE AND CITY LANDS BY DONATION OR EXCHANGE, THERE IS NO REQUIREMENT THAT THEY DONATE TO OR EXCHANGE LANDS WITH THE FEDERAL GOVERNMENT. SUBSECTION(A) OF SECTION 4 OF THE BILL AUTHORIZES THE SECRETARY TO MANAGE AND INTERPRET STATE OR CITY LANDS WITHIN THE BOUNDARY, AND

SUBSECTION(B) OF SECTION 4 AUTHORIZES INTERPRETIVE PROGRAMS AND ASSISTANCE WITH STATES AND OTHER ENTITIES ON LANDS OUTSIDE THE BOUNDARY.

SECTION 3(B) OF THE BILL WOULD AUTHORIZE THE SECRETARY TO ACQUIRE STATE AND CITY LANDS IN THE ATRISCO UNIT IN EXCHANGE FOR FEDERAL LANDS IN THE OTHER TWO UNITS. UNDER THIS ARRANGEMENT, THE SECRETARY COULD ACQUIRE PRIVATE LANDS WITHIN THE PIEDRAS MARCADAS AND BOCA NEGRA UNITS AND CONVEY THE LAND THUS ACQUIRED TO THE STATE AND CITY IN EXCHANGE FOR THEIR LANDS IN THE ATRISCO UNIT.

THIS SUBSECTION WOULD PROVIDE AN ADDITIONAL TOOL TO ASSURE PROTECTION OF THE RESOURCES OF ALL THREE UNITS OF THE MONUMENT.

THE BILL CONTAINS PROVISIONS, SIMILAR TO THOSE IN OTHER NEW PARK LEGISLATION, FOR A GENERAL MANAGEMENT PLAN AND AN ADVISORY COMMISSION. IN ADDITION, THE BILL WOULD ADD PETROGLYPH NATIONAL MONUMENT TO THE PARKS INCLUDED IN THE MASAU TRAIL, WHICH WAS ESTABLISHED IN THE LAST CONGRESS.

NATIVE AMERICANS

SPECIAL LANGUAGE IS INCLUDED IN SECTIONS 5 AND 6 TO ENSURE THAT PLANS FOR THE MONUMENT AND ITS OPERATION WOULD RECOGNIZE THE PAST AND PRESENT USE OF THE AREAS BY INDIAN PEOPLE.

THE PETROGLYPH FIGURES—ALTHOUGH HUNDREDS OF YEARS OLD--RESEMBLE CLOSELY CERTAIN KACHINAS AND OTHER FIGURES OF CONTEMPORARY RELIGIOUS SIGNIFICANCE. THE BILL WOULD REQUIRE THE SECRETARY TO ENSURE NONEXCLUSIVE ACCESS TO THE MONUMENT BY INDIAN PEOPLE FOR TRADITIONAL CULTURAL AND RELIGIOUS PURPOSES.

WE FULLY SUPPORT THESE PROVISIONS. CONGRESS INCLUDED SIMILAR LANGUAGE IN THE EL MALPAIS LEGISLATION IN 1987. THE NATIONAL PARK SERVICE WOULD WORK CLOSELY WITH PUEBLO LEADERS TO ASSURE THAT THE INTENT OF THESE PROVISIONS WAS CARRIED OUT.

ADVISORY COMMISSION

THE MEMBERSHIP OF THE ADVISORY COMMISSION ESTABLISHED IN SECTION 6 SHOULD BE EXPANDED TO INCLUDE REPRESENTATIVES OF LOCAL RESIDENTS, PARK USERS, AND OTHERS WITH A SUBSTANTIAL INTEREST IN HOW THE MONUMENT SHOULD BE MANAGED.

COSTS

IF THE PETROGLYPHS NATIONAL MONUMENT WERE CONSTITUTED AS AUTHORIZED BY S.286, THE ESTIMATED COST TO THE NATIONAL PARK SERVICE OF ACQUIRING PRIVATE LANDS WITHIN THE PROPOSED ATRISCO UNIT WOULD BE $58 MILLION. THE COMMITMENTS TO DATE BY THE CITY OF ALBUQUERQUE AND THE STATE OF NEW MEXICO TO PURCHASE PRIVATE LANDS IN THE PROPOSED PIEDRAS MARCADAS AND BOCA NEGRA UNITS ARE $14 MILLION AND $6 MILLION, RESPECTIVELY.

MR. CHAIRMAN, WE SIMPLY DO NOT BELIEVE THAT, IN THE CURRENT FISCAL CLIMATE AND GIVEN COMPETING PRIORITIES, IT IS REALISTIC OR FEASIBLE TO EXPECT THAT FEDERAL APPROPRIATIONS APPROACHING $60 MILLION WILL BE MADE AVAILABLE IN A REASONABLE TIMEFRAME FOR LAND ACQUISITION AT PETROGLYPHS.

AS YOU KNOW, THE BACKLOG OF AUTHORIZED, UNFUNDED PARK SERVICE ACQUISITION HAS BEEN ESTIMATED TO EXCEED $1 BILLION. IN RECENT MONTHS THIS DEPARTMENT HAS SUPPORTED THE AUTHORIZATION OF IMPORTANT PARK EXPANSIONS AT EVERGLADES NATIONAL

PARK AND FREDERICKSBURG-SPOTSYLVANIA NATIONAL MILITARY PARK THAT WILL ADD TENS OF MILLIONS OF DOLLARS TO THIS BACKLOG. ALTHOUGH BOTH THE PRESIDENT AND CONGRESS SUPPORT A SUSTAINED PROGRAM OF FEDERAL LAND ACQUISITION FINANCED BY THE LAND AND WATER CONSERVATION FUND, MANY COMPETING AND IMPORTANT DEMANDS ARE PLACED ON THESE MONIES.

IT IS POSSIBLE THAT A $60 MILLION LAND ACQUISITION FUNDING REQUIREMENT FOR THIS PROPOSED NEW UNIT COULD BE BUDGETED FOR AND APPROPRIATED OVER A PERIOD OF 10-20 YEARS. HOWEVER, THIS WOULD NOT ACHIEVE SHORT-TERM PROTECTION OF THE PETROGLYPHS. MOREOVER, MANAGEMENT OF THE NEW UNIT IN THE INTERIM WOULD BE SERIOUSLY HAMPERED BY THE PIECEMEAL APPROACH TO ACQUISITION. IT WOULD BE BETTER TO DECIDE WHAT WE CAN REALISTICALLY AFFORD AND TO PROCEED EXPEDITIOUSLY ON THAT BASIS.

WE THEREFORE RECOMMEND THAT S.286 BE AMENDED TO AUTHORIZE APPROPRIATIONS OF NO MORE THAN $30 MILLION FOR LAND ACQUISITION AT PETROGLYPHS, AND THAT THE BILL BE FURTHER AMENDED TO REDUCE THE SCOPE OF FEDERAL RESPONSIBILITY CONSISTENT WITH THIS FUNDING LEVEL. WE BELIEVE THAT $30 MILLION IS A REALISTIC AMOUNT THAT COULD BE PROVIDED OVER THE NEXT SEVERAL YEARS WITHOUT SACRIFICING TOO MANY COMPETING PRIORITIES. ANY OR A COMBINATION OF THE FOLLOWING ADJUSTMENTS TO THE AUTHORIZATION COULD BE MADE TO ACHIEVE THIS END:

-- THE PROPOSED BOUNDARY BETWEEN THE ATRISCO AND BOCA NEGRA UNITS COULD BE MOVED SOUTHWARD, TO SHIFT RESPONSIBILITY FOR PURCHASES OF PRIVATE PROPERTY ALONG THE CENTRAL PORTION OF THE ESCARPMENT FROM THE PARK SERVICE TO THE STATE.

— THE PROPOSED SOUTHERN AND WESTERN BOUNDARIES OF THE ATRISCO UNIT COULD BE ADJUSTED TO EXCLUDE PARTS OF THE MESA TOP, TO CONCENTRATE PARK SERVICE RESOURCES ON PRESERVATION OF THE SOUTHERN PORTION OF THE ESCARPMENT.

— COST-SHARING BY THE CITY AND/OR STATE COULD BE REQUIRED FOR PARK SERVICE PURCHASES WITHIN THE ATRISCO UNIT.

— LESS-THAN-FEE PURCHASES (E.G. OF CONSERVATION EASEMENTS) COULD BE PRESCRIBED TO THE EXTENT THEY ARE COST-EFFECTIVE.

WE WOULD BE PLEASED TO WORK WITH THE COMMITTEE TO DRAFT AN APPROPRIATE COMBINATION OF AMENDMENTS.

WE FURTHER RECOMMEND, MR. CHAIRMAN, THAT AREAS OWNED OR ACQUIRED BY THE CITY AND STATE ENCOMPASSING THE CENTRAL AND NORTHERN PORTIONS OF THE ESCARPMENT BE MANAGED BY THOSE ENTITIES. WHILE WE WOULD SEEK COOPERATIVE AGREEMENTS TO ENSURE CONSISTENT MANAGEMENT, WE DO NOT BELIEVE IT WOULD BE EFFICIENT OR APPROPRIATE FOR THE FEDERAL GOVERNMENT TO TAKE FULL RESPONSIBILITY FOR THESE AREAS, SINCE THEY ARE SLATED TO BECOME SURROUNDED BY SUBURBAN DEVELOPMENT THAT WILL BE WITHIN THE CITY'S JURISDICTION.

DEVELOPMENT COSTS WILL BE ADDRESSED IN THE GENERAL MANAGEMENT PLAN FOR THE MONUMENT. THEY CANNOT BE ESTIMATED FOR CERTAIN AT THIS TIME, BUT WILL ALSO HAVE TO COMPETE FOR FUNDING IN THE NORMAL BUDGET AND APPROPRIATIONS PROCESS.

IN CLOSING, MR. CHAIRMAN, WE BELIEVE THAT A PARTNERSHIP AMONG THE FEDERAL GOVERNMENT, THE STATE OF NEW MEXICO, AND THE CITY OF ALBUQUERQUE WILL ENSURE THE PERPETUATION OF THESE RESOURCES. HOWEVER, IT IS IMPORTANT THAT WE BE COGNIZANT OF THE FISCAL LIMITATIONS WE FACE IN FASHIONING A WORKABLE AND EFFECTIVE AUTHORIZATION.

THIS CONCLUDES MY PREPARED REMARKS, MR. CHAIRMAN. THERE ARE APPENDED TO THIS STATEMENT SOME SUGGESTED TECHNICAL AMENDMENTS THAT WE BELIEVE WILL CLARIFY CERTAIN PROVISIONS OF THE BILL. I WILL BE PLEASED TO RESPOND TO ANY QUESTIONS YOU MAY HAVE.

DEPARTMENT OF THE INTERIOR AMENDMENTS
TO S.286 — PETROGLYPH NATIONAL MONUMENT

1. ON PAGE 3, LINE 12, STRIKE "5,150" AND INSERT "5,280". THIS AMENDMENT SUBSTITUTES A MORE ACCURATE ACREAGE FOR THE AREA SHOWN ON THE MAP REFERRED TO IN THE BILL.

2. ON PAGE 4, LINE 2, STRIKE "ALL LANDS AND ALL INTERESTS" AND INSERT "SUBSTANTIALLY ALL PRIVATELY OWNED LANDS AND INTERESTS"; AND IN LINE 3 AFTER "ACQUIRED" INSERT "BY THE CITY".

THIS AMENDMENT WOULD PERMIT ADDITION OF THE PIEDRAS MARCADAS UNIT IF SUBSTANTIALLY ALL LANDS WERE ACQUIRED, AND IT MAKES CLEAR THAT THE LANDS TO BE ACQUIRED ARE PRIVATE LANDS AND THAT THEY WOULD BE ACQUIRED BY THE CITY.

3. ON PAGE 4, LINE 9, STRIKE "ALL LANDS AND ALL INTERESTS" AND INSERT "SUBSTANTIALLY ALL PRIVATELY OWNED LANDS AND INTERESTS"; AND IN LINE 10 AFTER "ACQUIRED" INSERT "BY THE STATE".

THE REASON FOR THIS AMENDMENT IS THE SAME AS THAT FOR AMENDMENT NUMBER 2, EXCEPT THAT HERE THE LANDS WOULD BE ACQUIRED BY THE STATE.

4. ON PAGE 5, LINE 3, CHANGE THE COLON TO A PERIOD AND STRIKE THE PROVISO.

THE AMENDMENT STRIKES LANGUAGE AUTHORIZING MINOR BOUNDARY ADJUSTMENTS, WHICH IS NOT NECESSARY SINCE GENERAL AUTHORITY TO MAKE SUCH MINOR BOUNDARY REVISIONS IS CONTAINED IN SECTION 7(C) OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965 AS AMENDED.

5. ON PAGE 5, LINE 8, STRIKE "THE" AND INSERT "WITHIN THE BOUNDARY OF THE MONUMENT AND (FOR PURPOSES OF CONVEYING THE LANDS SO ACQUIRED TO THE STATE OR CITY IN EXCHANGE FOR STATE OR CITY LANDS IN THE ATRISCO UNIT) WITHIN THE AREAS REFERRED TO IN SECTION 2(A)(2) AND SECTION 2(A)(3), THE".

THIS AMENDMENT MAKES CLEAR THAT THE SECRETARY'S ACQUISITION AUTHORITY APPLIES WITHIN THE MONUMENT AND ALSO (BUT ONLY FOR PURPOSES OF ACQUIRING LANDS THAT CAN BE USED TO ACQUIRE STATE OR CITY LANDS WITHIN THE ATRISCO UNIT BY EXCHANGE) TO THE PIEDRAS MARCADAS AND BOCA NEGRA UNITS AS WELL.

6. ON PAGE 5, STRIKE THE SENTENCE BEGINNING IN LINE 13 THROUGH THE PERIOD IN LINE 17.

THE STRICKEN LANGUAGE REQUIRES ACQUISITION OF THE SUBSURFACE BEFORE THE SURFACE IN CASES OF SPLIT ESTATES. THE SECRETARY SHOULD HAVE DISCRETION TO ACQUIRE THE SURFACE IF TO DO SO WOULD BE CONSISTENT WITH THE PURPOSES OF THE MONUMENT.

7. ON PAGE 7, LINE 7, AFTER "ACQUIRING" INSERT "FEE SIMPLE".

THIS AMENDMENT DISTINGUISHES OWNERSHIP OF LAND IN FEE FROM OWNERSHIP OF A LEASEHOLD INTEREST.

8. ON PAGE 10, LINES 2, 6, AND 18, STRIKE "HISTORIC PRESERVATION" AND INSERT "HISTORY OR ARCHEOLOGY".

THE TERM "HISTORIC PRESERVATION" INCLUDES PRESERVATION OF HISTORIC BUILDINGS AND STRUCTURES, WHEREAS MEMBERS OF THIS COMMISSION SHOULD HAVE EXPERTISE IN HISTORY OR ARCHEOLOGY.

9 ON PAGE 11, LINE 22, STRIKE "SECTIONS 9(C) AND" AND INSERT "SECTION".

SECTION 9(C) OF THE FEDERAL ADVISORY COMMITTEE ACT REQUIRES EACH COMMITTEE TO HAVE A CHARTER. THE BILL WOULD MAKE THAT PROVISION INAPPLICABLE TO THIS COMMITTEE. THIS AMENDMENT STRIKES THE REFERENCE TO SECTION 9(C), THUS REINSTATING THE CHARTER REQUIREMENT. ALL OTHER NATIONAL PARK SYSTEM ADVISORY COMMITTEES HAVE CHARTERS, AND THE CHARTER IS A USEFUL STATEMENT OF THE PURPOSE AND COMPOSITION OF A COMMITTEE.

Senator **Domenici** [presiding]. Let me make the questions brief and suggest that, if we have any additional questions, we will get them to you quickly in order to expedite matters. We will submit some of them in writing and get the answers, so we can have our other witnesses before we have to leave.

I wanted to state for the record the reason for my being late to this hearing. I had an amendment that I had to offer on the floor. I either had to do it then or take a risk of not getting it in today. So to the witnesses I apologize for not being here in a timely manner.

First, I want to thank the Park Service for their exceptional help in the overall development of this petroglyph program. We could not have done it without you. That goes for the professionals in your offices.

And I have to thank the former head of the Park Service. He was in Albuquerque, before he left office, and I was just amazed to find his enthusiasm. He gave us some of the ideas, and I think it is generally accepted that his enthusiastic support, his notions regarding what might turn out to be, were great encouragement to me and others who were with him. And I think, perhaps, without those, we would not have had the fortitude to proceed with such a dramatic project as this.

Doug has done a marvelous job through many local hearings, and we want you all to know that, nationally.

With that, I want to ask a couple of technical questions. We have already, in our bill, accepted the parameters of this Park, including that which has the direct involvement of the Federal Government. Are you suggesting in your written remarks that we alter the boundaries of the plan that we have adopted by reference in our bill, or are you merely suggesting that there might be some options?

Mr. **Rogers**. Mr. Chairman, the formal statement says that a combination of a variety of means might achieve the cost reductions that are hoped for. One of those options would include boundary shifts. Another would include cost sharing, perhaps on a different formula, by the City and the State; and another one might include devices such as less-than-fee purchases.

Senator **Domenici**. All of those, if I understand correctly are directed at trying to reduce the estimated cost of the Federal Government's participation in the acquisition?

Mr. **Rogers**. That is correct, sir.

Senator **Domenici**. From the professional standpoint, assuming that is the opinion of the Congress that the best approach is the plan encapsulated in the bill, and understanding that we would have a disagreement, therefore—the cost estimated at $58 million, and you are recommending $30 million.

But let me ask on the professional standpoint, aside and apart from that, does the Park Service find the plan as developed by the Park Service and recommended to us as a preliminary item, that it is a good plan for the protection and development of these resources?

Mr. **Rogers**. Mr. Chairman, it is an outstanding plan. We are very pleased with it.

Senator **Domenici**. So that if we choose to go with that language in the bill and take our risks on the money, the Park Service would have no objection, based upon the adequacy of the plan and its ability to achieve the goals and the ability to manage it appropriately.

Mr. **Rogers**. No, sir, we would not have an objection to that.

Senator **Domenici**. With reference to one of the issues that remain, that is the acquisition of property from the Atrisco Land Grant in Albuquerque, one of the issues that continues to come up, we have not decided here, is whether or not we should acquire that land in fee or whether there is an appropriate way to acquire less that fee through conservation easements that would accomplish the same goals and purposes and permit the Park Service to willingly and with enthusiasm support the project.

What are you recommending with reference to that?

Mr. **Rogers**. Our recommendation, Mr. Chairman, is just a very general statement that the possibility of easements ought to be examined. We do not have a specific recommendation with regard to the nature of easements that might be available from the Atrisco Grant.

Senator **Domenici**. So that if the possibility of easements is explored, and we are only looking at the dollar issue for this question, not the management qualities. If we do not save any money by easement approach to the Atrisco land acquisition, I assume that your recommendation would not apply.

Mr. **Rogers**. Not with regard to easements, no, sir. As a matter of fact, the statement says "easements where they would be cost effective."

Senator **Domenici**. Do you have an opinion as to whether or not, knowing where the Atrisco Land Grant property is, side and apart from the dollar value of an easement versus the simple acquisition, do you have an opinion with reference to the ability of the Park Service to appropriately manage the facility if it were to require less-than-fee-simple title?

Mr. **Rogers**. The National Park Service is quite able to manage an easement when a satisfactory easement can be agreed upon and entered into the property records of the State. So I think we are quite able to manage it.

I would believe the kinds of issues we would need to iron out would be what in specific the easements provide. It is quite one thing to agree upon an easement that allows the continuation of an existing use, like letting a farmer continue to farm land or something of that sort. It is quite another when you are talking about easements that allow indefinite future uses, and, as I understand, that has been a major factor in the discussion heretofore.

Senator **Domenici**. I wonder if it would be appropriate for Doug to answer the last question with reference to the Atrisco properties from the stand point of his long term involvement and his professional understanding of this project and New Mexico's Laws.

Mr. **Faris**. We have spent considerable time evaluating the easement possibilities on the West Mesa, more specifically, relating to those lands now managed by the Westland Development Corporation.

As Mr. Rogers said, we have some concern about the cost effectiveness of a potential easement, since we realize that we would need to acquire so many of the legitimate rights of use of that property as to cost or to appraise an easement close to the full fee value of the property.

Also, the boundaries in those areas have been drawn so as to minimize the cost, and they are very small in the amount of land remaining for visitor use and for research, protection, and the possibility for facility development.

Of course, as you well realize, Mr. Chairman, we need to have the opportunity to plan for and manage visitor services, and the possibilities of private economic uses being compatible with the needs of the public and the needs of the National Park Service to manage with the intent of the laws written is very questionable.

Senator **DOMENICI**. Either or both of you. I understand you have evaluated the various uses that would be made of this national facility. Included in those uses obviously are some significant academic utility.

Aside and apart from that, do you have an estimate on how many people it might attract to participate in viewing it and sharing in this history?

Mr. **FARIS**. Mr. Chairman, estimates that we have provided in the report to you and to the committee this past year indicate that we would anticipate initially with some facility development a 250,000 to 400,000 range in visitor use. Obviously, that would increase as more facilities were implemented and media and the publicity were made available to the American public and to those in New Mexico about the availability of this area for visitor use.

Senator **DOMENICI**. My last question is, do you have some recommendations on how a joint ownership and management of this national monument be structured to provide the most expeditious way to acquire the land and to uniformly protect it and to coordinate the management?

Mr. **FARIS**. Mr. Chairman, our professional evaluation indicated that in this particular case, we feel strongly that the intergovernmental approach is a very wise one to pursue. The city, obviously, has done much in the past few years to protect parts of this landscape area. The State of New Mexico has passed bills for the issuance of revenue tax bonds for up to $6 million. The residents of the city of Albuquerque have voted in favor of a quarter-cent sales tax.

We feel that all of these efforts together is the most reasonable approach to the protection of this area, since the costs are obviously high, the enforcement problems are great and, as you have indicated, the threat is immediate.

Senator **DOMENICI**. Are you satisfied then that we can enter into an appropriate joint arrangement with the entities in New Mexico that either currently exist or could be created so as to create a good management scheme?

Mr. **FARIS**. Mr. Chairman, the National Park Service, in particular those of us in the Southwest Region, feel there is greater possibility that we can enter into cooperative agreements and other arrangements with the city and with the State and possibly with private land owners and other organizations interested in the preservation of these petroglyphs, as well as native Americans and leaders of the local Hispanic groups to protect this resource area and make it available for visitor use.

Senator DOMENICI. One last general question for the record. I am certain that some Senators might be interested in how the land owners, especially on the escarpment, how they have conducted themselves with reference to the last year and a half, as we went through the very trying times that Representative Schiff described here.

We have private property owners who have uses in mind and certainly have attributed significant value to their properties. Could you describe for the record, have they been cooperative and have they indicated some significant willingness to contribute easements and otherwise on this project?

Mr. FARIS. Mr. Chairman, the cooperation of the many land owners and development corporations in Albuquerque had been outstanding. With your leadership and the leadership of your staff and your advisory group and the participation of the various levels of government and these land owners, substantial success has been made in preventing development and other actions that could potentially harm the escarpment and the petroglyphs.

More recently, the development corporation and others have participated in some sales arrangements with the city, which have resulted in substantial donations of land. We understand that other development groups have postponed their developments, possibly at an economic disadvantage to themselves. The city has recently enacted a year moratorium on extension of infrastructural developments in the petroglyph boundary area.

All of these efforts have been extremely helpful in preventing other harm to the cultural resources.

Senator DOMENICI. I have no further questions. I just want to make this observation regarding the cost. I understand that we are substantially behind nationally in terms of monies being made available for land acquisitions that we have already committed to. They are not all in the Park Service, but they are all over. In almost every agency where we are acquiring land for purposes such as this and others.

But I have to say to the Park Service, had we thought of this 15 years ago or 10, we might have bought it much cheaper because, obviously, the price is now somewhat related to the proximity of development and that is just the market place of real estate.

I am very hopeful that we can find some ways to cut this cost, but I must say that, if we cannot, then obviously we will continue negotiating with you. But we have to provide a reasonable plan, or in my opinion, we are just inviting a disaster. If we go in with a piecemeal approach and leave parts of this out, I think we are subject to more criticism, and justifiably by our people, than if we do it right.

So we may end up with a disagreement on cost, at least the allowable Federal expenditure, but we will continue to work with you in that regard as best we can.

Thank you very much.

Mr. ROGERS. Senator, we have always been very grateful for your well-known devotion to the cultural resources of the United States, and we would be happy to work with you.

Is it your pleasure to take our statement on S. 798, or do you want that later?

Senator **Domenici**. You gave me a good reminder. I should do that, should I not? And then you can leave.

Might I ask of any of the other witnesses that were going to appear, are any of you on an extremely short time frame? I assume panel 1 and panel 2 are here.

All right then, we will take the Chacoan Outliers Protection Act and get your testimony on that.

STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 798, ACCOMPANIED BY DOUGLAS FARIS

Mr. **Rogers**. Again, if it is your pleasure we would like to submit our formal statement for the record and simply make a brief summary of remarks.

Senator **Domenici**. That will be done.

Mr. **Rogers**. Mr. Chairman, the National Park Service strongly recommends the enactment of S. 798, the Chacoan Outliers Protection Act of 1989. With 33 outlying Chacoan sites designated for protection, S. 798 would add Chimney Rock, 3,160 acres; Guadalupe, 115 acres; Casamero, 160 acres; and two sites at Manuelito, for 116 acres and 60 acres each.

It would amend the boundaries of certain existing components of the Outlier System and would in essence ratify some of the important work done by the Chaco Culture Interagency Management Group that was established by cooperative agreement under earlier legislation in January 1981. The Bureau of Land Management, the Bureau of Indian Affairs, the State of New Mexico, the Navajo Tribe and the National Park Service have worked very well together.

The joint management plan was completed and distributed to the public in October 1983, and while I am sure that you are intimately familiar with that, we also have that document for the benefit of the subcommittee, if it is interested.

Many significant accomplishments have been achieved under the interagency management group. Just to mention a few, the National Park Service itself has completed a new general management plan for the Chaco Culture National Historic Park. The Bureau of Land Management has completed cultural resource management plans for all of its publicly owned properties. Stabilization maintenance has been carried out at the Chimney Rock site by the Forest Service, and at Kin Nizhoni, Twin Angels and Casamero by the Bureau of Land Management.

Five of the Bureau of Indian Affairs outliers, along with Chaco Canyon proper, were accepted by the World Heritage Committee for inclusion in the World Heritage list, and much, much more has been done.

Similarly, additions to the existing sites have been found by the interagency management group to be necessary for adequate protection of newly discovered resources at the sites.

In addition to what is in the bill, we recommend the following amendments in order to implement recent planning decisions of the interagency management group. First, to delete the Squaw

Springs site, an 870-acre parcel, as the Ute Indians strongly prefer to manage their own site. Second, to delete the Morris 41 site, an 85-acre parcel, as the site has lost its integrity due to recent damage by a previous owner.

Third, to delete the Las Ventanas site, a 356-acre parcel, because it has recently been acquired by the National Park Service and incorporated into El Malpais National Monument. Fourth, to add Salmon Run, a 5-acre parcel, because it meets the criteria of a classic Chacoan Outlier site and should be designated for inclusion.

Next, to reduce the acreage of Jacques, Muddy Water, Section 8 and Skunk Springs/Crumbled House sites, to 26, 1090, 10 and 533 acres, respectively. These acreages would more accurately reflect the extent and location of the cultural resources that actually exist at the site.

Next, in the nature of a technical amendment we suggest that S. 798 include language to clarify that outlier sites may lie outside the San Juan Basin. One of the real benefits of the past legislation is that we have now learned that the system with which we were dealing was far more extensive than the San Juan Basin property.

We would be pleased to work with the committee to develop appropriate language for amending S. 798 along those lines. No acquisition is proposed for the sites to be designated, and addition of these sites to the outliers system does not require new budget authority.

We are very very pleased to be able to support it.

[The prepared statement of Mr. Ridenour on S. 798 follows:]

STATEMENT OF JAMES M. RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S.798, THE CHACOAN OUTLIERS PROTECTION ACT OF 1989.

JULY 27, 1989

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO PROVIDE YOUR SUBCOMMITTEE WITH THE VIEWS OF THE DEPARTMENT OF THE INTERIOR ON THIS LEGISLATION.

WE STRONGLY RECOMMEND THE ENACTMENT OF S.798, THE CHACOAN OUTLIERS PROTECTION ACT OF 1989.

THIRTY-THREE OUTLYING CHACOAN SITES WERE DESIGNATED FOR PROTECTION IN THE CHACOAN OUTLIERS SYSTEM ESTABLISHED IN 1980 BY PUBLIC LAW 96-550. S.798 WOULD:

o ADD THE FOLLOWING SITES FOR DESIGNATION IN THE SYSTEM:

CHIMNEY ROCK	3,160 ACRES
GUADALUPE	115 ACRES
CASAMERO	160 ACRES
MANUELITO	
KIN HOCHOI	116 ACRES
ATSEE NITSAA	60 ACRES

o AMEND THE BOUNDARIES OF CERTAIN EXISTING COMPONENTS OF THE OUTLIERS SYSTEM.

THE EARLIEST EVIDENCE OF HUMAN OCCUPATION IN THE SAN JUAN BASIN DATES TO ABOUT 10,000 YEARS AGO, WHEN PALEO-INDIAN HUNTERS ROAMED THE AREA. THE PERIOD FROM A.D. 500 TO 900 WITNESSED THE GRADUAL EVOLUTION OF ANASAZI SITES.

IN THE EARLY TO MID 900'S, IN THE AREA OF NORTHWEST NEW MEXICO DRAINED BY THE CHACO RIVER--THE HEARTLAND OF THE CHACOAN ANASAZI CULTURE--DEVELOPMENT PROGRESSED RAPIDLY, BEST EXEMPLIFIED BY THE APPEARANCE OF HALF A DOZEN LARGE PUEBLOS, OR CHACOAN STRUCTURES. ALTHOUGH EVIDENCE IS INCOMPLETE IT APPEARS THAT CHACO CANYON WAS THE ECONOMIC, ADMINISTRATIVE, AND PERHAPS CEREMONIAL CENTER OF A NETWORK INVOLVING AS MANY AS 75 OUTLYING COMMUNITIES, WHICH WERE SPREAD OVER AN AREA OF 30,000 SQUARE MILES AND CONNECTED BY A REMARKABLE SYSTEM OF STRAIGHT ROADS AND POSSIBLE SIGNAL SITES.

CHACO CANYON FLOURISHED UNTIL THE MID-1100'S. BY A.D. 1300 THE ENTIRE FOUR CORNERS AREA WAS ABANDONED. THE REASON FOR ABANDONMENT MAY HAVE BEEN THE IMBALANCE CREATED BY A QUICKLY EXPANDING POPULATION AND EXHAUSTED NATURAL RESOURCES.

CHACO CANYON, DESIGNATED A NATIONAL MONUMENT IN 1907, CONTAINS SPECTACULAR ARCHEOLOGICAL REMAINS OF THIS NATIVE AMERICAN PAST. IN THE 1920'S, THE BOUNDARIES OF THE MONUMENT WERE ENLARGED TO INCLUDE ADDITIONAL RUINS ASCERTAINED TO BE CHACOAN. DURING THE NEXT 40 YEARS CHARACTERISTICS UNIQUE TO THE CHACOAN CULTURE WERE IDENTIFIED, AND MANY OUTLYING SITES (NOW CALLED OUTLIERS), AS FAR AS 100 MILES FROM THE CANYON PROPER, WERE LOCATED.

WHILE SOME SITES REMAINED RELATIVELY UNDISTURBED BECAUSE OF ISOLATION, INACCESSIBILITY, OR VIGILANT LANDOWNERS, OTHERS HAVE SUFFERED MINOR TO SUBSTANTIAL VANDALISM. SEVERAL OF THE OUTLIERS SHOW THE IMPACTS OF SANCTIONED ACTIVITIES INCLUDING PIPELINE, POWERLINE, AND ROAD CONSTRUCTION, MINING AND ENERGY DEVELOPMENT, AND PREVIOUS ARCHEOLOGICAL INVESTIGATIONS.

RECOGNIZING THE POTENTIAL FOR CONFLICTS BETWEEN RESOURCE PRESERVATION AND DEVELOPMENT, ON DECEMBER 19, 1980, CONGRESS PASSED TITLE V OF PL 96-550 TO DIRECT ACTIVITIES PERTAINING TO

CHACOAN RESOURCES IN THE SAN JUAN BASIN. THE PRIMARY PURPOSE UNDER TITLE V WAS TO PROVIDE FOR THE PRESERVATION, PROTECTION, RESEARCH, AND INTERPRETATION OF THE CHACOAN SYSTEM BY:

- o ENLARGING THE MONUMENT BY APPROXIMATELY 13,000 ACRES AND RENAMING IT THE CHACO CULTURE NATIONAL HISTORICAL PARK
- o AUTHORIZING A SYSTEM OF 33 OUTLYING ARCHEOLOGICAL PROTECTION SITES (TOTALING APPROXIMATELY 9,000 ACRES) IDENTIFIED AS PART OF THE CHACOAN SYSTEM, AND PROVIDING FOR THE ADDITION OF OTHER SITES THAT MAY BE DISCOVERED;
- o AUTHORIZING A CONTINUING PROGRAM OF ARCHEOLOGICAL RESEARCH IN THE SAN JUAN BASIN; AND
- o REQUIRING A JOINT MANAGEMENT PLAN DEVELOPED BY THOSE AGENCIES HAVING JURISDICTION OVER OR INTEREST IN LANDS CONTAINING THE SITES.

THE PLAN WAS TO PROVIDE GUIDELINES FOR IDENTIFICATION, PRESERVATION, PROTECTION, AND RESEARCH AT THE ARCHEOLOGICAL SITES. IN RESPONSE TO THAT MANDATE, THE CHACO CULTURE INTERAGENCY MANAGEMENT GROUP (IMG) WAS ESTABLISHED BY COOPERATIVE AGREEMENT IN JANUARY 1981. THE GROUP, WHICH INCLUDES REPRESENTATIVES FROM THE BUREAU OF LAND MANAGEMENT, THE BUREAU OF INDIAN AFFAIRS, THE STATE OF NEW MEXICO, THE NAVAJO TRIBE, AND THE NATIONAL PARK SERVICE, SET UP AN INTERAGENCY PLANNING TEAM WHICH PREPARED RECONNAISSANCE STUDIES EVALUATING THE SITES, AND DEVELOPED GUIDELINES AND PROCEDURES. DURING PLAN PREPARATION, A U.S. FOREST SERVICE REPRESENTATIVE WAS FORMALLY ADDED TO THE IMG. THE JOINT MANAGEMENT PLAN WAS COMPLETED AND DISTRIBUTED TO THE PUBLIC IN OCTOBER 1983.

MANY SIGNIFICANT ACCOMPLISHMENTS HAVE BEEN ACHIEVED SINCE THE ENACTMENT OF PUBLIC LAW 96-550. TO MENTION JUST A FEW:

o NPS COMPLETED A NEW GENERAL MANAGEMENT PLAN FOR THE CHACO CULTURE NATIONAL HISTORICAL PARK.

o BLM HAS COMPLETED CULTURAL RESOURCE MANAGEMENT PLANS FOR ALL OF ITS PUBLICLY OWNED PROPERTIES.

o STABILIZATION MAINTENANCE HAS BEEN CARRIED OUT AT THE CHIMNEY ROCK SITE BY THE USFS, AND AT KIN NIZHONI, TWIN ANGELS, AND CASAMERO BY BLM.

o ALL BLM SITES ARE BEING ACTIVELY PATROLLED, AND EFFORTS ARE UNDERWAY TO STANDARDIZE MONITORING REPORTS.

o FIVE OF THE BLM OUTLIERS, ALONG WITH CHACO CANYON PROPER, WERE ACCEPTED BY THE UNITED NATIONS FOR INCLUSION ON THE WORLD HERITAGE LIST -- A LISTING WHICH RECOGNIZES THEIR WORLD-WIDE SIGNIFICANCE.

o PRIVATE MINERAL RIGHTS UNDER 7 OUTLIERS AND CHACO CANYON WERE ACQUIRED BY BLM IN 1986. THIS INCREASED FEDERAL PROTECTION OF THESE SITES.

o CADASTRAL SURVEYS, FENCING PROJECTS, AND GRAZING WITHDRAWALS HAVE BEEN CARRIED OUT BY BLM TO PROVIDE ADDITIONAL PROTECTION OF CERTAIN SITES.

o BOTH THE NPS AND THE BLM HAVE CONTINUED TO PUBLISH THE RESULTS OF RESEARCH INTO PREHISTORIC CHACOAN ROADS AND SUBSISTENCE/SETTLEMENT PATTERNS.

o BLM HAS CONSTRUCTED A PARKING LOT AND WALK-THROUGH GATE AT THE CASAMERO SITE TO ENHANCE PUBLIC VISITATION.

- BLM HAS ENTERED INTO A COOPERATIVE MANAGEMENT AGREEMENT TO IMPROVE THE PROTECTION OF THE PRIVATELY OWNED JACQUES SITE. THE DEVELOPMENT OF SUCH PARTNERSHIPS WITH THE PRIVATE SECTOR WILL PLAY A VITAL ROLE IN THE PROTECTION OF THE CHACOAN OUTLIER SYSTEM.

- BLM COMPLETED INTENSIVE SURVEYS OF SEVERAL OF ITS PUBLICLY OWNED OUTLIERS TO FULLY DOCUMENT THE EXTENT OF THE OUTLYING PREHISTORIC COMMUNITIES.

THE SITES PROPOSED FOR DESIGNATION AND ADDITION IN S.798 WERE FOUND BY THE INTERAGENCY MANAGEMENT GROUP TO MEET CRITERIA FOR INCLUSION IN THE PROTECTION SYSTEM, AND THE JOINT MANAGEMENT PLAN RECOMMENDS THEY BE DESIGNATED FOR INCLUSION IN THE PROTECTION SYSTEM.

SIMILARLY, THE ADDITIONS TO THE EXISTING STIES WERE FOUND BY THE INTERAGENCY MANAGEMENT GROUP TO BE NECESSARY FOR ADEQUATE PROTECTION OF NEWLY DISCOVERED RESOURCES AT THE SITES.

THE MANAGEMENT AGENCIES FOR THESE PROPOSED ADDITIONS INCLUDE:

BUREAU OF LAND MANAGEMENT	o 2 SITES
NAVAJO TRIBE, BUREAU OF LAND MANAGEMENT	o SHARE 1 SITE
FOREST SERVICE	o 1 SITE
STATE OF NEW MEXICO	o 1 SITE

IN ADDITION TO THE CHANGES PROPOSED IN S.798, WE RECOMMEND THE FOLLOWING AMENDMENTS TO S.798 IN ORDER TO IMPLEMENT RECENT PLANNING DECISIONS OF THE IMG:

1. DELETE THE SQUAW SPRINGS SITE, 870 ACRES, AS THE UTE INDIANS STRONGLY PREFER TO PROTECT AND MANAGE THEIR OWN SITE.

2. DELETE THE MORRIS 41 SITE, 85 ACRES, AS THE SITE HAS LOST ITS INTEGRITY DUE TO RECENT DAMAGE BY A PREVIOUS OWNER.

3. DELETE THE LAS VENTANAS SITE, 356 ACRES, BECAUSE IT HAS RECENTLY BEEN ACQUIRED BY THE NATIONAL PARK SERVICE, AND INCORPORATED INTO THE EL MALPAIS NATIONAL MONUMENT.

4. ADD SALMON RUIN, 5 ACRES, BECAUSE IT MEETS THE CRITERIA OF A CLASSIC CHACOAN OUTLIER SITE, AND SHOULD BE DESIGNATED FOR INCLUSION IN THE SYSTEM, AS RECENTLY DETERMINED BY THE INTERAGENCY MANAGEMENT GROUP. THE LEAD WOULD BE THE BUREAU OF LAND MANAGEMENT.

5. REDUCE THE ACREAGE OF THE JACQUES, MUDDY WATER, SECTION 8 AND SHUNK SPRINGS/CRUMBLED HOUSE SITES TO 26, 1,090, 10 AND 533 ACRES, RESPECTIVELY. THESE REDUCED ACREAGES MORE ACCURATELY REFLECT THE EXTENT AND LOCATION OF CULTURAL RESOURCES THAT ARE FOUND ON THESE SITES.

6. IN THE NATURE OF TECHNICAL AMENDMENT, WE SUGGEST THAT S.798 INCLUDE LANGUAGE TO CLARIFY THAT OUTLIER SITES MAY LIE OUTSIDE THE SAN JUAN BASIN. AS THE IMG CONTINUES TO INVESTIGATE THE NETWORK OF CHACOAN SITES, IT IS BECOMING APPARENT THAT THEIR SYSTEM WAS MORE EXTENSIVE THAN THE SAN JUAN BASIN PROPER. WE WOULD BE PLEASED TO WORK WITH THE COMMITTEE TO DEVELOP APPROPRIATE LANGUAGE FOR AMENDING S.798 ALONG THESE LINES.

THE CHANGES PROPOSED IN S.798, PLUS THE AMENDMENTS PROPOSED IN THIS TESTIMONY, WOULD RESULT IN 12,521 ACRES IN THE PROTECTION SYSTEM. THE PROTECTION SYSTEM DESIGNATED IN PUBLIC LAW 96-550 TOTALED 8,771 ACRES.

NO ACQUISITION IS PROPOSED FOR THE SITES PROPOSED FOR DESIGNATION IN THIS LEGISLATIVE PROPOSAL, AND ADDITION OF THESE SITES FOR DESIGNATION IN THE SYSTEM DOES NOT REQUIRE NEW BUDGET AUTHORITY.

ENACTMENT OF S.798, PLUS OUR RECOMMENDED AMENDMENTS, WILL IMPLEMENT THE RECOMMENDATIONS OF THE JOINT MANAGEMENT PLAN AND THE INTERAGENCY MANAGEMENT GROUP.

THIS CONCLUDES MY PREPARED TESTIMONY, MR. CHAIRMAN. I WOULD BE PLEASED TO ANSWER ANY QUESTIONS YOU MAY HAVE.

Senator **Domenici**. Let me indicate with reference to the specifics that you recommended, that we will take those up in due course, and if we have any clarifying information that is necessary, we will seek it.

I want to thank you again for the interest and for the detailed evaluation of this bill. It is obvious that this Chaco culture, now known as the Anasazi, was recognized a long time ago, as early as 1907, but what we did not know was that it was not all in that one place. We found that this very, very mysterious culture which had appeared and flourished and then disappeared in a period of 400 years, about 1300 A.D., apparently had these outliers that were related to that very significant cultural center.

In 1980 we passed a bill of mine that expanded it and changed it to a broader notion, and now we find that we need even more protection, and we are going to pass something to do that. We need no new money, but let me suggest that when it comes to managing it I hope you will with your budgets each year understand that it does not preserve itself. Somebody has to be in charge. We have provided money regularly to enforce our anti-looting laws and the management of the area.

We just heard today that one of the very good sites is no longer recommended because it did not cease existing. Some people caused it to be destroyed, and we do not want that to happen with the rest of them. We will accept your enlargement beyond San Juan because, obviously, it is larger.

I believe we have no other questions other than to indicate we will try to expedite the passage of this protective measure.

Thank you very much for your help.

Mr. **Rogers**. Thank you, sir.

Senator **Domenici**. Can we call the first panel? We have Mr. Walter, the President of the National Trust for Historic Preservation from here in Washington; Harvard Ayers, Chairman of the Native American Site Committee, Sierra Club; Bruce Craig, Cultural Resource Coordinator, National Parks and Conservation Association; and Brien Culhane, Assistant Director, National Parks Program, The Wilderness Society. We will hold the other three panelists for just a moment.

We are going to follow the biblical mandate that the last will be first, so Brien, you are first.

STATEMENT OF BRIEN F. CULHANE, ASSISTANT DIRECTOR, NATIONAL PARKS PROGRAM, THE WILDERNESS SOCIETY

Mr. **Culhane**. Thank you, Mr. Chairman. I am Brien Culhane. I am the Assistant Director of The Wilderness Society's National Parks Program.

I appreciate the opportunity to appear before you today on behalf of the society's 310,000 members to discuss S. 286, the Petroglyph National Monument Establishment Act. As you have my written statement before you, I will just proceed to summarize its main points and request that you enter my formal statement into the record.

Senator **Domenici**. That will be done.

Mr. **Culhane**. Thank you.

First, Senator Domenici, I would like to express our deep appreciation for the personal involvement and leadership of yourself and Senator Bingaman in bringing this legislation before the committee, and I want to thank you for scheduling this hearing today and your efforts to obtain appropriations for Fiscal Year 1990 so that land production and acquisition can begin as soon as possible.

The Wilderness Society strongly supports the establishment of the Petroglyph National Monument. Last April I had the privilege of visiting the West Mesa and spent a full day in the company of Ike Eastvold who personally and patiently took me around to see the entire escarpment. I was on crutches with a broken foot at the time. I was astounded by the variety, the quality and the concentration of these unique etchings on the basalt boulders and the mesa escarpment itself.

During my eight-year career as a National Park ranger, six years of which were based at Grand Canyon, I visited most of the major archeological units of the National Park System in the Southwest. Many of these units have rock art sites, but all of them pale in comparison to the resource at West Mesa. This spectacular collection of some 15,000 Native American and Hispanic rock carvings is nationally significant and fully deserving of national monument status and protection.

I was also greatly impressed and concerned about the magnitude and the imminence of the threats facing the petroglyphs. You have heard them all enumerated this morning: suburban encroachment; vandalism; target shooting; theft; and inappropriate recreational uses, all of which are rapidly degrading both the cultural and natural resources of the West Mesa.

Time is clearly of the essence if we are to save these sacred images for the inspiration and enjoyment of present and future generations.

We have a few minor recommendations concerning the bill that I might touch on now.

Regarding the proposed monument boundaries, we have two recommendations. First, we recommend that the Los Matates site, a small discontiguous portion of the escarpment, be included within the monument. We believe inclusion of this site is important for full representation of all the significant archeological and geological features of the West Mesa.

We also recommend amending the bill to include the Boca Negra and Piedras Marcadas units within the authorized boundaries at the outset instead of waiting until the city and the state have completed acquiring these lands.

As you know, the city and the state have made firm funding commitments in excess of $20 million, and the city has begun purchasing options. Inclusion of these lands within the legislative boundary will facilitate communication, coordination and cooperation in acquisition, planning and management for the monument.

Regarding land acquisition, we have several concerns about the Westland Development Corporation's proposal to preserve portions of the West Mesa petroglyphs with conservation easements instead of fee acquisition.

The Wilderness Society respects the desire of the Atrisco land grant heirs to maintain their ties to the land. We are strongly opposed, however, to the use of a conservation easement as proposed by the Westland Corporation to establish and protect the fundamental core area of the National Park System unit.

Conservation easement with reserved mineral, water and geothermal rights, grazing and a private visitor center, uses not present at this time, would limit the National Park Service's authority and ability to actively manage the monument and protect its cultural, natural and scenic resources to the standards that Congress has prescribed for National Park System units.

They would also restrict visitor activities and impair the quality of the visitor experience. We do not believe that any of these retained rights would be compatible with the purposes of the monument. An area thus compromised would not be of National Park System caliber and might be more appropriately managed as an affiliated area, a State park or a private reserve.

Considering the Service's need to actively manage the monument and restrict incompatible activities, the cost of a conservation easement could be very high and probably would be close to full fee simple value. The additional cost of monitoring, managing and enforcing the easement would probably be far more expensive in the long run than full fee acquisition at the outset.

We urge the committee to reject this proposal and explore a combination of fee acquisition and land exchanges for the Federal portion of the monument.

We support an amendment to establish a rock art research center in conjunction with the monument and feel it would be very useful in fulfilling the purposes of the monument by providing scientific information for the preservation, protection, management and interpretation of the West Mesa area.

Mr. Chairman, the Petroglyph National Monument would be an important addition to the National Park System and a wonderful gift to the citizens in Mexico, the nation and the world. We urge you to report the bill favorably and hope Congress will act quickly to preserve this endangered national treasure before the opportunity is lost.

Thank you for the opportunity to testify.

[The prepared statement of Mr. Culhane follows:]

THE WILDERNESS SOCIETY

STATEMENT OF BRIEN F. CULHANE, REPRESENTING THE WILDERNESS SOCIETY, BEFORE THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, JULY 27, 1989, CONCERNING S. 286, THE PETROGLYPH NATIONAL MONUMENT ESTABLISHMENT ACT OF 1989.

Mr. Chairman, and Members of the Subcommittee, I am Brien F. Culhane, Assistant Director of The Wilderness Society's National Parks Program. I appreciate the opportunity to appear before you on behalf of the Society's 310,000 members to discuss S. 286, The Petroglyph National Monument Expansion Act of 1989.

The Wilderness Society strongly supports the establishment of the Petroglyph National Monument and we have been working closely with other conservation groups and the New Mexico delegation toward passage of this important legislation. We commend Senators Domenici and Bingaman for their leadership in introducing this bill to protect the petroglyphs.

Last April I had the privilege of visiting the West Mesa and I was astounded by the variety, quality and concentration of these etchings on the basalt boulders and escarpment. This spectacular collection of some 15,000 Native American and Hispanic rock carvings is nationally significant and deserving of National Monument status and protection. Indeed, the Petroglyph National Monument will be the first National Park System unit established specifically to protect and interpret rock art.

I was also greatly impressed with the magnitude of the threats facing the petroglyphs. Time is of the essence if we are to save these sacred images for the inspiration and enjoyment of present and future generations. Suburban encroachment, vandalism, and theft are rapidly degrading both the cultural and natural resources of West Mesa. We urge the Congress to act quickly to establish the monument so that land acquisition and protection can begin.

The Wilderness Society commends the New Mexico delegation for the many improvements made to the legislation over the past year. We would, however, like to recommend some additional refinements which we feel would further strengthen the bill. Please consider the following points as you work toward passage of this important legislation.

FINDINGS

Section 1(b) adequately describes the national significance of the West Mesa

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Petroglyphs but fails to mention the severe threats to their existence. We recommend that section 1(b)(8) be modified to read:

> (8) In light of the national significance of the West Mesa Escarpment area and the urgent need to protect the petroglyphs and their environmental setting from rapidly encroaching development, vandalism, theft, and incompatible forms of recreation, it is appropriate that such a national monument be established in the West Mesa Escarpment area, near Albuquerque, New Mexico.

PURPOSES

The National Park Service's West Mesa Petrogylph Study stated that under the preferred alternative for cooperative Federal/State/City management and acquisition, the enabling legislation "would include a strong statement of the purposes of the monument (p.43)." We urge that Section 2(a)(1) be strengthened by including language directing the Secretary of the Interior "...to preserve the integrity of the archeological and historical resources and their natural setting; to provide for the interpretation of these resources; and to facilitate research activities associated with these resources."

BOUNDARIES

The Wilderness Society recommends that the Los Metates site, a discontiguous portion of the escarpment, be included within the monument. This 10-15 acre tract, located between the Piedras Marcadas unit and the Zuris-Mann Site, contains more than 100 petroglyphs, man-made mortars, metates, cupules, a previously excavated cultural site and lava tubes. In our view, inclusion of this tract, which was not addressed in the Park Service study, is important for full representation of the significant archeological and geological features of the West Mesa area.

LAND ACQUISITION

We have carefully reviewed the Westland Development Corporation's proposal to preserve portions of the West Mesa Petroglyphs with conservation easements instead of fee acquisition. While conservation easements provide an opportunity to protect resources in some cases, we believe that fee acquisition is preferable where nationally significant resources such as the West Mesa Petroglyphs are involved. The Wilderness Society respects the desire of the Atrisco Land Grant heirs to maintain their land base. We are strongly opposed, however, to the use of a conservation easement to establish and protect the fundamental core area of a national park system unit.

Conservation easements are a contractual tool generally used to provide scenic buffers along waterways, to protect viewsheds or to control the types and densities of development adjacent to national park system units. A conservation easement, with reserved rights such as those proposed by the Westland -- mineral development, water and geothermal rights, grazing, and a private visitor center -- would limit the National

Park Service's authority and ability to actively manage the monument and protect its cultural, natural and scenic resources to the standards established by Congress for National Park System units. They would also restrict visitor activities and impair the quality of the visitor experience.

We do not believe that any of these retained rights would be compatible with the purposes of the monument. An area thus compromised would not be of National Park System caliber and might be more appropriately managed as an affiliated area, a state park or private reserve. We doubt that the Interior Department's solicitor would permit the Park Service to enter into an easement agreement which would not provide the Service with the authority and flexibility to manage the lands of the Petroglyph National Monument.

Considering the need for the National Park Service to actively manage the monument and restrict incompatible activities, the cost of a conservation easement would be very high and probably be close to full fee-simple value. The additional costs of monitoring, managing and enforcing the easement would probably be far more expensive in the long run that full fee acquisition at the outset. We urge the Committee to reject the easement proposal and explore a combination of fee acquisition and land exchanges for the federal portion of the monument.

Regarding the provision in Section 3(a) concerning split estates, we are concerned that prohibiting the Secretary from acquiring the surface estate until he has acquired the subsurface estate will result in damage or loss of irreplaceable cultural and natural resources which the monument is being established to protect. We suggest the provision be revised to require acquisition of the land surface before, or at the same time as, the 2,224 acre subsurface estate of the Cerrillos Land Company. Prompt acquisition of the Cerrillos mineral interests could be accomplished by adding: "...the Secretary shall complete the acquisition of the subsurface estate as promptly as possible, but no later than three fiscal years after the fiscal year of the enactment of this Act." This language, based on the El Malpais National Monument and National Conservation Area enabling legislation, would provide for prompt acquisition and protection of both the threatened surface resources and the subsurface estate.

ADMINISTRATION

We recommend revising Sec. 4 (a) to read: "The Secretary, acting through the Director of the National Park Service shall..." We also suggest adding:

> "The Secretary shall protect, manage, and administer the monument in such manner as to preserve the cultural, natural, scientific and scenic resources, and to provide for research, public understanding and enjoyment of the same in such a manner as to perpetuate these qualities for future generations."

GENERAL MANAGEMENT PLAN

Under Sec. 5(a), we suggest revising lines 20-22 to read: "...a general management plan, which shall describe the appropriate uses and development of the monument, consistent with the purposes of this Act..."

To assure that the General Management Plan (GMP) is consistent with the purposes enumerated in Sec. 2(a), we suggest adding the following provision to Sec. 5(a):

> " a cultural and natural resources management plan for the monument, with special emphasis on the preservation of archeological resources, particularly the petroglyphs, giving high priority within the monument to the enforcement of the provisions of the Archeological Resources Protection Act of 1979, and the Historic Preservation Act, as amended."

The GMP should require that the management, protection, and interpretation of the City owned portion of the Monument shall be consistent with that of the federal portion.

ROCK ART RESEARCH CENTER

The Wilderness Society supports an amendment to establish a Rock Art Research Center in conjunction with the monument. Such a center would help to fulfill the purposes of the monument by providing scientific information for the preservation, protection, management and interpretation of the petroglyphs at West Mesa and throughout the Southwest.

The Park Service's feasibility study also suggests the possibility of a research center and calls attention to the tremendous opportunity for research and education at West Mesa:

> This extensive concentration of rock art is not only a rich visual gallery of prehistoric and historic artistry, but also an outdoor research laboratory, where important symbolic cultural meaning and values including the roots of contemporary Pueblo Indian iconography, are preserved (p.35).

The report points out that "little is currently understood about the complexity of these cultural resources (p.36)." Besides increasing our knowledge of the pre-historic Indian cultures, the research center could broaden our understanding and appreciation of the Hispanic rock art that is associated with the earlier images. We recommend that both Indian and Hispanic personnel be involved in the center to research and share their cultural traditions.

One possible model for the research center is the Park Service's former Chaco Center which conducted research for the Chaco Culture National Historic Park and its outliers. Public Law 96-550 (Dec. 19, 1980) and the Memorandum of Understanding between the University of New Mexico and the NPS Division of Cultural Research of the Southwest Cultural Resources Center establishing the Chaco Center could provide guidance in planning the rock art center. The expertise of the NPS Spanish Colonial Research Center could be utilized in providing information on the Hispanic rock art and Atrisco Land Grant history.

The Wilderness Society believes the research center will be an important addition to the National Park Service's generally underfunded and understaffed research program. We request that you incorporate this amendment into the legislation.

MASAU TRAIL

The Wilderness Society recommends that Petroglyph National Monument be added to Masau Trail motor tour route established by the El Malpais enabling legislation.

ADVISORY COMMISSION

The Wilderness Society supports the establishment of a Petroglyph National Monument Advisory Commission. We recommend that Sec. 7(a)(5) be revised to direct that these 2 members be "...appointed from recommendations submitted by the National Park Service."

FUNDING

Regarding Sec. 9, funding for the Monument and Rock Art Research Center must be adequate to ensure the National Park Service is able to purchase land, protect the resources, begin the planning process and establish the research center. Dedicated funding for the research center will be required to prevent the new center from depleting the already inadequate funding of existing programs.

UNSER BOULEVARD

The proposed extension of Unser Boulevard along the boundary of the proposed monument poses a serious threat to the integrity of the resources and the quality of the visitor experience. The Wilderness Society recommends that the National Park Service work with the City and the State to ensure that the proposed extension of Unser Boulevard is limited to a maximum of 4 lanes and designed as a scenic parkway which would be closed to commercial traffic. Such a parkway, landscaped with native plants and noise reducing berms, could serve as a scenic gateway to the Petrogylph National Monument. If allowed to become a commercial freeway, it will severely compromise the public investment and the visitor experience.

Thank you for the opportunity to testify. We hope the Congress will act quickly to preserve this endangered national treasure before the opportunity is lost.

Senator **Domenici**. Thank you very much.

Might I set a couple of ground rules which I did not announce? I have just received a note that I have to attend a conference of Senators from my side of the aisle at 2 p.m. I assume I will not be there, but I would like to be there by 2:15 p.m., so can we keep our testimony to about five minutes? Our lights will indicate that, and we will try to see if the other three witnesses can wait a while. If not, we will have to put the hearing over.

Let us proceed. Shall we take them as we announced them here: Jackson Walter from the National Trust for Historic Preservation.

STATEMENT OF J. JACKSON WALTER, PRESIDENT, NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. **Walter**. Thank you, Mr. Chairman. For the record, I am Jack Walter, President of the National Trust Fund. I am pleased to appear here today to endorse on behalf of our 225,000 members in favor of S. 286. We fall a little short of your last witness, but we are gaining.

In the interest of time, first of all let me simply say that I also had the privilege of visiting. I suspect I detect Ike's handiwork in having me out there a year ago, although I visited with Carol Condie from the Albuquerque Archeological Commission and her husband. I will simply endorse all of the good words that have been said about this remarkable combination of rock art and the land form itself which is compelling.

As you know, and I was pleased to see that Congressman Richardson mentioned it, we did put the West Mesa Petroglyphs on the National Trust list of the 11 most endangered historic sites in America. We did that because this site is in so many ways illustrative of western archeological sites both for their importance and also the nature of the threat that they are suffering.

We are very pleased with the kind of attention that that listing has been able to bring and certainly continue to believe that that listing in that way—I do not know that I have ever seen a list of 11 most anything before, but there is a certain whimsy in that that is kind of appealing, I guess.

I would like, if I might, just simply to stress what we think to be an additional important feature here, and that is the fact that the West Mesa Petroglyphs do not interpret themselves. Bringing them within the reach of the National Park Service puts this remarkable resource within the ambit of a unit of the Federal Government that does have the capacity to interpret this resource and to use it as a remarkable educational tool that is about as proximate to a major American city as any archeological site of this importance could possibly be.

If I could add any note to this hearing, I suspect it would be the importance of the management and especially the interpretive efforts that I know the Park Service will be able to bring. I certainly join with Brien's comments in saying that this is a wonderfully dramatic step, a splendid addition to the National Park Service, and we at the National Trust strongly endorse the passage of S. 286.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Walter follows:]

National Trust for Historic Preservation

Testimony of

J. Jackson Walter
President
National Trust for Historic Preservation

before the

Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
U. S. Senate

in support of S. 286

July 27, 1989

Introduction

Mr. Chairman, on behalf of the National Trust's more than 225,000 members nationwide, I am pleased to be able to speak today in support of S. 286, the Petroglyph National Monument Establishment Act of 1989. Senators Domenici and Bingaman deserve our thanks for sponsoring this bill that would protect the ancient rock art at the escarpment that frames Albuquerque on the west, so that present and future generations can study and enjoy them.

We join with many citizens of New Mexico in support of this legislation. As you know, Secretary Manuel Lujan, when he served as Albuquerque's representative in Congress, sponsored a similar bill and continues to be a strong advocate for the petroglyphs. In addition, the National Trust has had the good fortune to work with New Mexico's State Historic Preservation Officer, Thomas Merlan, on this and many other matters. Mr. Merlan has long supported efforts to protect and interpret the petroglyphs.

I visited the Albuquerque petroglyphs on March 24 of last year, guided by Carol Condie of the Albuquerque Archeological Commission and her husband, Kent Stout. At Petroglyph State Park, which is a protected area of the escarpment, I saw examples of the more than 15,000 petroglyphs representing at least 3,000 years of history. I had a chance to visit some archeological sites along the escarpment that go well back into prehistory as far as the end of the Pleistocene period, when the Rio Grande Valley was home to now-extinct giant prehistoric animals.

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I also saw the damage that has been done to these ancient sites through vandalism, neglect and development. I saw what was reported in the National Park Service study on the area, and what I am sure the Committee saw when it visited the site in April: that the West Mesa petroglyphs represent a unique part of our heritage as a nation that is rapidly being destroyed.

Eleven Most Endangered Historic Places

The National Trust has long been concerned about the status of the West Mesa Petroglyphs. When we compiled our first list of the nation's most endangered historic places last year, it was clear that, because the site is especially historic and especially threatened by development, the West Mesa Petroglyphs deserved a place on that list of eleven. We hoped by identifying the site as endangered, that there would be a greater awareness of the urgency of saving the West Mesa Petroglyphs. We are pleased with the attention our listing has drawn to this issue.

Petroglyph National Monument Act

The legislation you are now considering is a solution to the problem facing the petroglyphs. The establishment of Petroglyph National Monument will protect this site that offers a look so far back into American history. But protection is only part of the solution. Long-term management of the site in the public interest, including educational program development, is the only guarantee that visitors to the petroglyphs decades from now can take away with them a deeper understanding of America's past and its natural and cultural treasures.

As the National Park Service study pointed out, there is not an existing unit National Park System that is established specifically to protect and interpret prehistoric and historic rock art. Because of the wealth of this resource at West Mesa, the Petroglyph National Monument would be the nation's center for the study of rock art.

The petroglyphs are not only important to the historic preservation community as a scholarly and educational resource, but are also valuable to the citizens of New Mexico because they have regional cultural and religious significance. I am pleased to see that S. 286 not only provides access for cultural and religious uses, but also requires that the monument's general management plan be developed in consultation with the heirs of the 1692 Atrisco land grant, who currently own much of the escarpment, and the appropriate Indian tribes. Similarly, it is appropriate that the Petroglyph National Monument Advisory Commission include representatives of these two groups along with experts in historic preservation and rock art.

Recommendations

Mr. Chairman, as I stated to the committee in my letter of May 11, I urge you to endorse S. 286 as drafted. The West Mesa Petroglyphs deserve the kind of protection and appropriate interpretation that the bill as drafted would provide.

I am aware of proposals to preserve the West Mesa Petroglyphs with conservation easements in lieu of fee simple ownership. It is my view is that the cost of an easement structured in a way that would allow the National Park Service to manage a National Monument would cost nearly as much as would outright acquisition, and that the management problems associated with enforcing such an easement would mean that ongoing costs would exceed those that would be incurred with fee simple ownership. I believe that limited taxpayer dollars would be better invested in the acquisition than in an expensive and administratively cumbersome conservation easement.

I urge you to report favorably on S.286 as drafted; I look forward to being able to announce that, because of Congress' action, the West Mesa Petroglyphs is no longer one of the nation's eleven most endangered historic places.

Senator Domenici. Thank you very much. I think your observations about the Park Service management and what they can do to help with the interpretative aspects is very well taken. Some of us should have mentioned it prior to your testimony, but we wholeheartedly agree.

In fact, they seem very enthusiastic about it, and that is encouraging also.

Dr. Ayers.

STATEMENT OF DR. HARVARD G. AYERS, CHAIRMAN, NATIVE AMERICAN SITES COMMITTEE, SIERRA CLUB, BOONE, NC

Dr. Ayers. Thank you, Senator Domenici. On behalf of the board of directors of the more than 500,000 members of the Sierra Club and in my role as Chairman of the Native American Site Committee, which is a national issue committee of the Sierra Club, I appreciate the opportunity to testify concerning S. 286, the Petroglyphs National Monument Establishment Act of 1989. Please include our testimony, both spoken and written, in the record of this hearing.

Let me say first how much we appreciate the leadership of Senator Domenici and Senator Bingaman in this effort. Last December, our Native American site committee met in Albuquerque and spent an afternoon hiking into the marvelous Rinconada Canyon petroglyph area on the southern portion of the escarpment.

I was overwhelmed both by the profusion of magnificent images and by the fact that so much could be interpreted through contemporary Pueblo Indian religious iconography. In fact, we went out to the Chaco and Zuni the weekend after, just a few days after that, and saw the same figures there as we saw there on the petroglyphs.

The West Mesa Petroglyph area is not only of outstanding national significance for the history of our country but, as Mr. Schiff and Mr. Domenici have pointed out, it is also of outstanding international significance along with the rock art sites of paleolithic Europe, Australia, Algeria and South Africa.

We are all in your debt, Senators Domenici and Bingaman, for coming to the aid of this endangered treasure.

Mr. Chairman, since we have here a very complex management situation of a threatened resource, we feel that it is very important to define the purposes of this bill. We have suggested language in sections 1, 2, 4 and 5 of the bill to that end. I will not take the time here, in the interest of keeping within my five minutes, but you can read these suggestions from my testimony.

At this point I would like to focus my verbal testimony on sections 2 and 3, boundaries and land acquisition. We recommend elimination of section 2(a)(2) and section 2(a)(3) and changing section 2(a)(1), line 12, to read, "The monument shall consist of approximately 72,074 acres."

Conditions have changed since it was felt prudent to authorize only the Atrisco unit Federal area of the monument. The city and State funding commitments of over $20 million are now firm, and the city is actively buying and optioning lands all along the escarpment.

Authorizing only the 5,280 acres of the Federal area also raises the question as to whether or not Federal laws protect the American Indian First amendment rights and Federal antiquities and environmental laws would offer any protection to the lands excluded.

The Boca Negras and Piedras Marcadas units of the monument are equally in need of these Federal protections and guarantees and should be included in the authorized boundaries; otherwise, the resource values could suffer.

We further recommend adding the Los Matates site, as has already been mentioned, and the discontiguous portion of the West Mesa escarpment.

After careful study of the issue, we feel acquisition, now on the subject of the land acquisition, of the core area of the Atrisco unit Federal area should be in fee simple. Acquisition by easement as proposed by Westland Development Company, Incorporated for their 1,964 acres could jeopardize protection of both Hispanic and American Indian cultural sites, including those connected with the history of the Atrisco land grant.

An easement could create a second level of management authority. Because of the irreplaceable culture resources exposed a 17-mile long escarpment, the Park Service must have undiluted management authority and flexibility to respond firmly and swiftly to all manner of threats and problems.

As an easement would bifurcate that management authority and could cripple protection efforts in perpetuity, we agree with the 19 governors of the New Mexico Pueblos united in the All Indian Pueblo Council that there must be a strong Federal protection of this endangered area.

We also agree with concerns of the State Historic Preservation Officer of New Mexico regarding the lack of enabling legislation in his state which could recognize conservation easements, particularly easements in gross.

Relying on Federal preemption of State law or the lack thereof is risky according to attorneys with whom we have spoken, and this irreplaceable type of cultural resource is the last place one should take risks. Any mistakes could result in irreparable harm and loss.

Finally, in an area of high development pressure like the West Mesa, it would be virtually impossible to write an easement tightly to anticipate all the possible conflicts and needs of such markedly different partners.

We would also note that because the type of easement needed for the Park Service would be almost totally restrictive, excluding virtually all other rights and ownership, the cost of the easement would be approximately 100 percent of fee simple. Indirect costs of monitoring and enforcement for the easement could make it actually more expensive and be very difficult to convince Congress to pay for construction of millions of dollars in visitor facilities on land not owned by them. I think that is an important point.

I would like to change lines 13 through 17 of section 3(a) and replace these with as follows: "The Secretary shall acquire the subsurface estate of such lands no later than three fiscal years after the surface estate", which is a little different.

In closing, I would like to make two very brief points. One is that we need to have entirely consistent management of this very complex situation so that the City of Albuquerque can feel protected by the Federal standards when they are brought under pressure to change things according to other interests.

Secondly, I would reiterate that as an archeologist I can see that the purposes of this rock art research and education center are extremely important and that we can learn a great deal. It will multiply the value of the proposed bill if we get the monument, and I am very much in favor of that as a tactic.

Thank you.

[The prepared statement of Dr. Ayers follows:]

SIERRA CLUB
NATIVE AMERICAN SITES
COMMITTEE

July 27, 1989

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Senate Committee on Energy and Natural Resources
364 Dirksen Senate Office Building
Washington, DC 20510

RE: Petroglyph National Monument Act of 1989, S. 286

Dear Chairman Bumpers:

On behalf of the Board of Directors and more than 500,000 members of the Sierra Club, and in my role as Chairman of the Native American Sites Committee, a National Committee of the Sierra Club, I appreciate the opportunity to testify concerning S. 286, the Petroglyph National Monument Establishment Act of 1989. Please include our testimony in the record of this hearing.

The Sierra Club's Rio Grande Chapter in New Mexico and West Texas has been involved extensively in the struggle to preserve the West Mesa petroglyph area, and has worked closely with the New Mexico Congressional delegation, the City of Albuquerque, State of New Mexico, landowners, and other concerned organizations for the past three and one-half years. Chapter President, Chuck Wiggins, testified at your April 28, 1989, field hearing in Albuquerque, and submitted addendum testimony for the record on May 11th, also. I will be brief and only highlight issues where we have new information, or a clarification is necessary.

Let me say first how much we appreciate the leadership of Senator Pete Domenici and Senator Jeff Bingaman. Last December our Native American Sites Committee met in Albuquerque, and spent an afternoon hiking into the marvellous Rinconada Canyon petroglyph area on the southern portion of the escarpment. I was overwhelmed both by the profusion of magnificent images, and by the fact that so much could be interpreted through contemporary Pueblo Indian religious iconography. The West Mesa petroglyph area is not only of outstanding national significance for the history of our country, it is clearly of international significance along with the rock art sites of paleolithic Europe, Australia, Algeria, and South Africa. We are all in your debt, Senators Domenici and Bingaman, for coming to the aid of this endangered treasure.

To explore, enjoy and protect the rich heritage of past and present Native American peoples.
205 Anne Marie Drive
Boone, North Carolina 28607

FINDINGS, SECTION 1

We suggest adding language to underscore the endangered situation of the West Mesa petroglyph area, and its outstanding national significance:

> (8) because of the outstanding national significance of the West Mesa petroglyph area and the urgent need to protect this cultural site from rapidly encroaching development, vandalism, and inappropriate forms of recreation; it is appropriate that such a unit be established....

PURPOSES, SECTION 2

We believe a strong statement of purposes is essential as a foundation for the general management plan of this National Monument:

> Sec. 2(a)1) "In order to preserve the integrity of the cultural and natural resources in their historic setting, and to provide for research, public understanding and for the benefit and enjoyment of present and future generations, that area in New Mexico..."

BOUNDARIES, SECTION 2

We recommend elimination of Sec. 2(a)(2) and Sec. 3(a)(3), and changing Sec. 2(a)(1), line 12, to read, "The monument shall consist of approximately 7,274 acres..." Conditions have changed since it was felt prudent to authorize only the Atrisco Unit Federal area of the Monument. The City and State funding commitments of over $20 million dollars are now firm, and the City is actively buying and optioning lands all along the escarpment.

Authorizing only the 5280 acres of the Federal area also raises the question as to whether or not Federal laws protecting American Indian First Amendment rights and Federal antiquities and environmental laws would offer any protection to the lands excluded. The Boca Negra and Piedras Marcadas Units of the Monument are equally in need of these Federal protections and guarantees, and should be included in the authorized boundaries. Otherwise, the resource values could suffer.

We further recommend adding the Los Metates site, a discontiguous portion of the West Mesa Escarpment located roughly halfway between Piedras Marcadas Arroyo and Pueblo Piedras Marcadas (LA 290). This interesting site has promising research and education potential, and should be protected.

LAND ACQUISITION, SECTION 3

After careful study of the issue, we feel acquisition of the core area of the Atrisco Unit Federal area should be in fee simple. Acquisition by easement, as proposed by Westland Development Co., Inc., for their 1,964 acres could jeopardize protection of both Hispanic and American Indian cultural sites, including those connected with the history of the Atrisco Land Grant. An easement would create a second level of management authority. Because of the irreplaceable cultural resources exposed along a 17-mile long escarpment, the Park Service must have undiluted management authority and flexibility to respond firmly and swiftly to all manner of threats and problems. An easement would bifurcate that management authority, and could cripple protection efforts in perpetuity. We agree with the nineteen Governors of the New Mexico Pueblos united in the All-Indian Pueblo Council that there must be strong Federal protection of this endangered area.

We also agree with concerns of the State Historic Preservation officer of New Mexico regarding the lack of enabling legislation in his State which would recognize conservation easements, particularly an easement in gross. Relying on Federal pre-emption of State law, or the lack thereof, is risky according to attorneys with whom we have spoken. And this irreplaceable type of cultural resource is the last place one should take risks. Any mistakes would result in irreparable harm or loss. Finally, in an area of high development pressures like the West Mesa, it would be virtually impossible to write an easement tightly enough to anticipate all the possible conflicts and needs of such markedly different partners. As a development corporation, Westland could frequently be at odds with the preservation mission of the Park Service, as they now are over the critical issue of allowing truck traffic to pass through the Monument along Unser Boulevard. Enforcement could become complicated, time-consuming, and even politically unpopular for the Park Service. We don't believe the legal counsel for the Department of the Interior would allow the Park Service to acquire an easement which did not provide the clear enforcement authority necessary to manage the lands of Petroglyph National Monument.

We should also note that, because the type of easement needed by the Park Service would be almost totally restrictive, excluding virtually all other rights of ownership, the cost of an easement would approximate 100% of full fee simple title. Indirect costs of monitoring and enforcement for the easement could make it actually more expensive in the long run than acquiring full title to begin with. And it would be very difficult to convince Congress to pay for construction of millions of dollars of visitor facilities on land not owned by the Federal government.

We urge an in depth exploration of land exchange options with Westland, including three-way exchanges with land owned by the City of Albuquerque. Westland has publicly favored land exchanges for City-owned land close to or contiguous with its boundaries.

In regards to acquisition of the subsurface estate, we recommend deleting lines 13-17 of Sec. 3(a), and replacing this section as follows:

> "The Secretary shall acquire the subsurface estate of such lands no later than three fiscal years after the surface estate."

ADMINISTRATION, SECTION 4

The provisions found in Section 4 providing for cooperative agreements for interpretation are excellent. And early protection capability through leasehold agreements is another provision we wish to commend.

We recommend changing Sec. 4(a) to read: "The Secretary, acting through the Director of the National Park Service shall..." We also strongly recommend adding a section as follows:

> "The Secretary shall protect, manage, enhance, and administer the Monument in such a manner as to preserve the cultural, natural, scenic, and scientific resources in their historic setting, and to provide for research, public understanding and enjoyment of the same in such a manner as to perpetuate these qualities for future generations."

GENERAL MANAGEMENT PLAN, SECTION 5

Under Sec. 5(a), line 20-22, we recommend adding language as follows: "...a general management plan, which shall describe the appropriate uses and development of the Monument, consistent with the purposes of this Act..." And to assure that the general management plan is consistent with the purposes we have outlined in Sec. 2(a) and 4(a) we recommend adding the following provision:

> Sec. 5(a)(6) "and a cultural and natural resources management plan for the Monument, with special emphasis on the preservation of cultural resources in their natural setting, particularly the petroglyphs, giving high priority within the Monument to the enforcement of the provisions of the Archaeological Resources Protection Act of 1979, the Historic Preservation Act, and the American Indian Religious Freedom joint resolution of 1978, as amended."

And because this great cultural feature is essentially a whole, and must be thusly protected and understood, we strongly recommend that the general management plan set consistent standards for protection and interpretation of all three units in both Federal and City management areas.

RESEARCH, SECTION 5

For emphasis, we would reiterate our strong support for the study and report provisions in Sec. 5(c), and for creation of a Rock Art Research and Education Center in conjunction with the Monument. These two research and education endeavors will multiply the benefits of Petroglyph National Monument many times for the Monument's public education programs, other Rio Grande rock art sites in northwest New Mexico, and the enhanced potential for interpretation of rock art sites presently under-utilized at other Park Service units.

ADVISORY COMMISSION, SECTION 7

We recommend that the two members in Sec. 7(a)(5) be "appointed from recommendations submitted by the National Park Service."

Thank you for this opportunity to testify. The Sierra Club urges you to report favorably on S. 286. As Senator Domenici has said many times, "Unless we act swiftly, this magnificent resource may be lost."

Sincerely,

Dr. Harvard G. Ayers, Chairman

Senator **Domenici**. Thank you very much.

If you wondered why I was laughing when you both outdid yourself in terms of who you represented, I was about to say but it would have been terribly presumptuous that I represent 20 million Italian Americans. [Laughter.]

Then I saw the Mayor of Espanola walk in, and I thought he might stand up and say that he represented 58 million Hispanic Americans, so I decided I would not say it.

Bruce, we are ready to hear from you.

Let me say to the three remaining witnesses if we do not find a Senator to come in, I will recess for about 20 or 30 minutes and then we will come back and take the three witnesses.

Go ahead, Mr. Craig.

STATEMENT OF BRUCE CRAIG, CULTURAL RESOURCES COORDINATOR, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. **Craig**. Mr. Chairman, thank you very much. On behalf of the 100,001 members of the National Parks and Conservation Association, we are pleased to speak today on behalf of the Petroglyphs National Monument proposal.

Certainly the tremendous quantity of Indian and historic petroglyphs are of outstanding national significance. Consequently, this area certainly does merit national monument status and national monument protection.

This unique area deserves to become the only unit of the National Park System that is established primarily to preserve and interpret rock art, and it is precisely for this reason that we included this area in our 10-volume study of the National Park System Plan and recommended its inclusion within the National Park System.

We have a number of technical suggestions for the bill and for report language, and certainly that will be entered into the record, but we certainly do feel that in this particular instance it is appropriate that there be a cooperative Federal, State and Municipal program consistent with protection and the interpretive management of this particular site.

Certainly right now we are talking of Federal involvement, Federal acquisition costs being in the $30 to $50 million range, but just imagine what it would be if we did not have the State and local government being involved in this as well. We would probably be talking in the hundreds of millions of dollars in order to preserve this area.

Senator **Domenici**. You might add also, Mr. Craig, I believe, and the contributions and commitments already made by certain landowners.

Mr. **Craig**. Absolutely.

Regarding the 1,900 acres of land that is owned by the Westland Development Corporation, it has been suggested that a restricted interest in the land be acquired by the Federal Government under the terms of the conservation easement. We would oppose such an establishment of a national park unit where the core of the park is not owned in fee simple.

Certainly there would be the possibility of affiliated site status, but the resources in this particular instance do warrant national park status.

We might also point out that recently in the last Congress there was a number of bills that were introduced to actually change easements into fee simple ownership such as the Antietam Bill last year, where it was the desire of the landowners to actually be bought out by the Federal Government.

As suggested by Mr. Culhane, we do strongly support also the provision for the establishment of the Regional Rock Art Research Center. We also support adding the area to the units of the Masau Trail. We certainly agree with the Friends of the Albuquerque Petroglyphs also in their suggestion to include the Los Matates site within the boundaries of the national monument.

Mr. Chairman, time is rapidly running out for a meaningful national monument in this particular area. Real estate developments are marching ever closer, and some already have pushed to the very base of the escarpment, taking over lands that were previously anticipated for the monument and visitor use. Evidences of vandalism are tragically on the upswing, but this fragile and irreplaceable cultural resource is now severely at risk.

We hope, therefore, that Congress will act favorably and establish the Petroglyphs National Monument to preserve its truly remarkable and nationally important heritage before it is too late. Certainly, once lost it would be lost forever.

This concludes my comments, Mr. Chairman.

[The prepared statement of Mr. Craig follows:]

STATEMENT OF BRUCE CRAIG
CULTURAL RESOURCES COORDINATOR
NATIONAL PARKS AND CONSERVATION ASSOCIATION

SUBMITTED TO THE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
ON S. 286
LEGISLATION TO ESTABLISH THE PETROGLYPH NATIONAL MONUMENT
July 27, 1989

My name is Bruce Craig, Cultural Resources Coordinator for National Parks and Conservation Association, a private non-profit membership organization founded in 1919 that seeks to promote the preservation, protection and public understanding of our nation's national park system. Our organization appreciates the opportunity to testify on behalf of our 100,000 members on S. 286, legislation to establish the Petroglyph National Monument.

Mr. Chairman, we commend Senators Domenici and Bingaman for introducing this legislation. National Parks and Conservation Association supports establishment of Petroglyph National Monument on West Mesa, across the Rio Grande from the city of Albuquerque, New Mexico. The tremendous quantity of Indian and Historic petroglyphs is of outstanding national significance, and consequently merits national monument status and protection. This unique area deserves to become the only unit of the National Park System established primarily to preserve and interpret rock art. It is for this reason that we included this area in our 10 volume study The National Park System Plan and recommended its inclusion into the National Park System.

Given the history of municipal and state government land acquisition along certain parts of West Mesa, it is appropriate, in our view, that this legislation should include under national monument status lands belonging to the City of Albuquerque and the state of New Mexico, under a cooperative federal/state/municipal program of consistent protective and interpretive management. We urge, however, the federal, state, and municipal lands proposed for national monument status be simultaneously authorized as the Petroglyph National Monument. We urge this amendment of S. 286, since both the state and city funding needed to complete their respective parts of the national monument ($6 million from the state and $14 million from the city) is now available.

We strongly support the bill's provision that private lands and interests in lands within the national monument boundaries be acquired in fee.

We take note, in this regard, that an affiliate of the Santa Fe Pacific, the Cerrillos Land Company, Inc., own approximately 2,224 acres of mineral estate within the proposed national monument. Santa Fe has many times proven to be exceptionally cooperative in negotiating acquisitions of their lands and interests in lands from within national parks, wilderness study areas, and other environmentally sensitive places in the Southwest and California. Consequently, we expect that this company will be as helpful at Petroglyph National Monument.

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We are concerned, however, that Sec. 3(a), providing that the subsurface estate owned by Santa Fe's Cerrillos be acquired prior to the surface above those interests, may result in a harmful or even fatal delay in acquiring the surface for the national monument. We urge, therefore, that this provision be replaced with the following: that "the Secretary shall acquire the subsurface estate of such lands as promptly as possible, but no later than three fiscal years after the fiscal year of enactment of this Act."

This suggested provision is similar to the one in the El Malpais National Monument enabling legislation. Its main advantage is that it does not risk delaying the purchase of the monument's land surface, which is so vitally needed in order to protect the cultural and natural resources of the proposed national monument.

Regarding the approximately 1,900 acres of land owned by the Westland Development Corporation, it has been suggested that only a restricted interest in the land should be acquired by the federal government, under the terms of a conservation easement. We oppose establishment of a National Park unit where the "core" of the park is not owned in fee simple by the government. We oppose such easement for several reasons. First, a conservation easement would fail to provide the federal government with the needed authority to protect and manage this major part of the national monument in perpetuity. Second, a conservation easement would fail to provide the essential freedom and flexibility for the federal government's comprehensive management of the national monument and its irreplaceable cultural, natural, and scenic resources. Third and perhaps most important, a conservation easement is not an appropriate land-protection mechanism for providing the very foundation of a national park or monument. A conservation easement is a useful contractual device used for specific, limited conservation purpose--such as limiting the density or type of developments, preserving a viewshed's essential character, or providing scenic buffers along a waterway, road, or trail, but it should not be relied upon to protect key park resources. Finally, New Mexico does not have a conservation easement law to assure that such contracts would be legally binding and enforceable.

There are several additional specific recommendations for improving the Petroglyphs legislation, as follows:

Concerning Sec. 4(a), we urge expanding it [underscoring indicates recommended addition]: "The Secretary, acting through the Director of the National Park Service, shall..." And we suggest adding: "The Secretary shall protect, manage, enhance, and administer the monument in such manner as to preserve the cultural and natural resources, the scenery, and to provide for research, public understanding and enjoyment of the same ."

Regarding Sec. 5(a), we recommend rewording lines 20-21 as follows: "... a general management plan, which shall describe the appropriate uses and development of the monument, consistent with the purposes of this Act..."

Under Sec. 5(a), we suggest that a new provision be added relating to the preparation of a general management plan: "a cultural and natural resources plan for the monument, with special emphasis on the preservation of archeological resources (notably the petroglyphs), giving high priority within the monument to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 and the Historic Preservation Act, as amended."

We strongly support adding to S. 286 a provision for the establishment of a regional rock art research center within Petroglyph National Monument. Such a center would be of value not only to the National Park Service, but to museums, universities, and other relevant federal, state, and local agencies throughout the region.

We support the bill's establishment of a Petroglyph National Monument Advisory Commission, and are pleased its membership would be comprised of a number of professionals representing a variety of relevant disciplines. We recommend that provision (5) be expanded to state that "...appointed from recommendations submitted by the National Park Service." And we suggest that another member or two be added to the Commission: an ecologist, and perhaps also a geologist, appointed from recommendations submitted by the National Park Service.

Petroglyph National Monument should also be added to the listing of National Park System units along the Masua Trail, as established under the El Malpais enabling legislation.

We suggest that references, in Sec. 1 of S. 286, to Northwest Mesa Volcanic Escarpment" be changed to "West Mesa Escarpment", both to be a more accurate description of the area under discussion in the bill, and to be consistent with other references in the same section to "West Mesa Escarpment".

National Parks and Conservation Association agrees with the Friends of the Albuquerque Petroglyphs' suggestion that a small, discontinuous tract of 15-to-20 acres, known as the Los Metates Site (including Site #LA-52099), be included within Petroglyph National Monument. It contains more than a hundred petroglyphs--including a rare type called cupules, numerous metates, bedrock mortars, a previously excavated cultural site, and lava tubes.

We urge that Sec. 1(b)(8) be expanded, as follows:

"(8) In light of the national significance of the West Mesa Escarpment area and the urgent need to protect it from rapidly encroaching development and accelerating vandalism, it is appropriate that such a national monument be established in the West Mesa Escarpment area, near Albuquerque, New Mexico."

Finally, we are deeply concerned over potential harmful highway expansions and uses through and near the proposed Petroglyph National Monument. Unser Boulevard (between Ouray Road and Paradise Hills Boulevard) and Paseo del Norte (between Golf Course Road and Paseo del Volcan) could potentially become the most significant public works impacts upon the integrity of the national monument and upon visitor enjoyment of the monument. We urge that these highways be limited to no more than four lanes each and that they be designed, in at least the above mentioned stretches, as scenic parkways, on which commercial through traffic would be banned. The public investment in the Petroglyph National Monument could be seriously compromised should these routes become major commercial expressways.

We greatly appreciate the chance to offer these comments on S. 286. Time is rapidly running out for a meaningful national monument. Real estate developments are marching ever closer and some already have pushed to the very base of the escarpment, taking over lands previously anticipated for the monument and visitor use. Evidences of vandalism are tragically on the upswing. This fragile and irreplaceable cultural resource is now severely at risk.

National Parks and Conservation Association hopes, therefore, that the Congress will act favorably to establish the Petroglyph National Monument, to preserve this truly remarkable nationally important heritage...before it is too late. Once lost, it is lost forever.

Mr. Chairman, that concludes my testimony. I will be glad to answer any questions you or the committee may have.

Senator **Domenici**. Let me suggest with respect to inclusion of the Masau Trail in the final version of the bill which is before us, that we have included it. You might note, in section 8 of the bill, that it is included.

For those who wonder about the significance of the Masau Trail as a vehicular trail, it has already been borrowed by the State of New Jersey. They took this notion and did one along their intercoastal area to promote in an overall manner a series of places that they have on their coast. Apparently it is already a huge success. They have had their first meetings.

We think when we put our five or six together, including Chaco, and promote them uniformly with uniform symbols and the like that we will add significantly to the attraction when people plan to go through that part of the United States. So we are kind of enthusiastic about it.

I have a detailed statement that I did not give. I will put it in the record as if given at the beginning of the hearing. Unless you have something further, we may want to ask some questions of you in writing. We will be consulting with some or all of you as we proceed with the bill.

I personally want to thank you for the time you have spent obviously not only here today, but of you or your membership that have participated out there and on site. We thank you for that, and we will do everything we can to make sure that this is a credit to all of the people that have supported it as we move down the line. Thank you very much.

Let me ask the remaining witnesses, Mark Leone, Anna Sofaer, and Alan Downer, are you here? Would it be too unaccommodating if I recessed the hearing for 30 minutes? Would that be all right?

We are going to be in recess for 30 minutes. If I am unduly delayed, we will send a message up and try to accommodate you in some way.

We stand in recess.

[A brief recess was taken.]

Senator **Domenici**. We will reconvene. Let me apologize. I have not done myself much good in terms of time, but we can get started here and see if we can take five minutes each.

Are Mark Leone, Anna Sofaer, and Alan Downer here? Would you like to proceed?

STATEMENT OF DR. MARK LEONE, SOCIETY FOR AMERICAN ARCHAEOLOGY

Dr. **Leone**. Thank you, Mr. Chairman. I am Mark Leone, and I represent the Society for American Archaeology. The society has about 4,000 members, as opposed to the megafigures we heard 45 minutes ago, and represents most professional archaeologists in the United States.

I would like to begin by saying our testimony has already been given to your staff, and we would like it put into the record. I will summarize it.

We would like to thank you and Senator Bingaman for your long-term support for archeology over the years. We are well aware of the help you have given to the cause of American archeology in this country. Our membership is very grateful for that.

We support both of the bills before us. With regard to Petroglyphs National Monument we recommend and go along with very strong protection for this site, its acquisition and especially enhancing the interpretation, particularly the center for rock art study that has been proposed.

This is a time when enormous strides have been made in the last eight to ten years with regard to understanding what rock art is and what the petroglyphs represent, but this particular corpus is so large and so coherent that it represents a whole context for understanding this.

Many people have suggested that this is a nationally important site in many ways, and because of the international quality of rock art studies it can serve the cause of international scholarship.

I am sure that we will hear something about archaeoastronomy in a moment. I realize, too, that from the point of view of other scholars this represents a wonderful opportunity to see rock art in its ethnographic context.

There is a very important domain of scholarship that is prominent in Britain and South Africa right now where people have studied rock art as a manifestation of religious trances and other states of the altered states of consciousness, and this particularly rich context deserves preservation until it is adequately recorded as well. So we are in full support of this and the other provisions of the bill.

Regarding the specifics about how the site should be acquired and so forth, we agree with most of the previous testimony.

With regard to S. 798 and the expansion of sites to protect the Chacoan phenomenon or Chaco culture, we also support that and recommend very strongly both the added protection and the aspect of the bill that emphasizes management and education through interpretation. That is extremely important to members of the society.

At a time like this when our society is expending an enormous effort educating people against the dangers of the destruction, in many cases the unknowing destruction, of archeological sites, protecting these Chacoan outlies as they are called, but in fact they are towns that are associated in ways we still do not understand with the larger phenomenon that centered at Chaco Canyon, it is really quite important that we put a degree of preservation on these archeological sites which does not exist currently.

We recommend all of this not only for members of the society but for the nation as a whole, including Indian people, and we are particularly aware of our own obligations in that regard.

So that is our set of suggestions and is our support, Senator.

[The prepared statement of Dr. Leone follows:]

SOCIETY FOR AMERICAN ARCHAEOLOGY

Statement on S. 286
Petroglyph National Monument
Hearing of the Senate Committee on Energy and Natural Resources

Submitted by Dr. Mark Leone
July 27, 1989

The Society for American Archaeology (SAA) supports S. 286 to establish the Petroglyph National Monument. We are pleased to have this opportunity to bring to your attention some points of interest and concern.

The Society for American Archaeology is an international scholarly and professional association comprised of both professionals and avocational archaeologists concerned about the discovery, interpretation and protection of the archaeological heritage of America. As such, the SAA has had a long partnership with many federal agencies, including the National Park Service, in efforts to preserve and promote the nation's cultural and natural resources. Archaeological sites are fragile resources which contain important information. Many reports have shown the increase in site destruction due to looting and vandalism. Once an archaeological site is destroyed, it is gone forever.

S. 286 would provide much-needed protection for the West Mesa Petroglyphs in New Mexico. The petroglyphs are very significant in our understanding of the cultural development of the area. They represent over 15,000 images begun by prehistoric Pueblo Indians and continued by Spanish conquistadors. The majority of the petroglyphs were carved between 1300 to 1650 A.D. Located near Albuquerque, the West Mesa Petroglyphs are also important because they represent the largest concentration of rock art in the vicinity of a major metropolitan area. In addition, there are over 65 archaeological sites associated with the petroglyphs. Together they represent a unique opportunity for public enjoyment, education and involvement.

Site Protection From S. 286

S. 286 would establish the Petroglyph National Monument as a unit of the National Park System. The bill provides not only for land acquisition within the monument boundaries but also for cooperative agreements between the Secretary of the Interior and the state of New Mexico or city of Albuquerque under which the Secretary may manage and interpret state or city-owned lands within the boundaries of the monument. The bill also provides for cooperative agreements with other Federal state and local agencies, Indian tribes and nonprofit entities for interpretive programs and facilities outside the monument boundaries. S. 286 requires that a management plan be developed within three years and that a report be prepared on the Rio Grande rock art style.

The Society strongly supports S. 286. Indeed, the legislation can do much to take the lead and be a model for future legislation in protecting fragile archaeological resources. Many of the serious problems facing archaeological resources can be more effectively and economically dealt with through partnerships between federal, state and local governments and the public.

Concerns with S. 286

The SAA does have concerns over the recent proposal by the Westland Corporation that the land be acquired under a conservation easement rather than by federal fee purchase. Although in some cases conservation easements can be a useful too to protect sites, we do not feel such an easement is appropriate in this instance. The West Mesa Petroglyphs are of such importance that they deserve the full protection that Park Service ownership and full National Monument status would provide.

The Society urges inclusion of strong language in the legislation mandating protection of the archaeological resources from looting and vandalism and a high priority to be placed on public education and interpretation of the petroglyphs. The Society would further encourage the Senate to include an addition provision establishing a rock art research center which could which could help greatly in educating the public about these important archaeological resources.

Thank you for the opportunity to testify on this important legislation. Thank you.

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SOCIETY FOR AMERICAN ARCHAEOLOGY

Statement on S. 798
Chaco Culture Archaeological Protection Sites

Hearing of the Senate Committee on Energy and Natural Resources

Presented by Dr. Mark Leone
July 27, 1989

The Society for American Archaeology (SAA) supports S. 798 to amend the Chaco Culture Archaeological Protection Sites Act by designating 38 sites. We appreciate the opportunity to testify today and are pleased to have this opportunity to bring to your attention some points of interest.

The Society for American Archaeology is an international scholarly and professional association comprised of both professionals and avocational archaeologists concerned about the discovery, interpretation and protection of the archaeological heritage of America. As such, the SAA has had a long partnership with many federal agencies in efforts to preserve and promote the nation's cultural and natural resources.

Threats to Archaeological Sites

Archaeological sites are time capsules of the past that contain fragile sources of information about the prehistory and history of America. Once these sites are destroyed, a piece of the puzzle of our cultural heritage is gone forever. Yet numerous reports have documented an alarming and rapid increase in the looting of sites on public, private and Indian lands.

The Four Corners area of the United States -- which includes the states of New Mexico, Colorado, Arizona and Utah, has been especially hard hit. Some examples:

- 90% of known sites on Federal lands in the Four Corners area of the southwest have been looted or vandalized
- 100% of the Classic Mimbres sites in southwestern New Mexico have been looted
- 800 known Indian archaeological sites on Fish and Wildlife refuge lands in the southwest area have been damaged
- 42% increase in looting and vandalism of federal lands was reported between 1985 and 1986
- 1000% increase in the site looting and vandalism of Indian lands was reported between 1980 and 1987

S. 798, which is now pending in your committee, would designate 38 archaeological sites to the Chaco Culture Archaeological Protection Sites Act and provides for a map of the area to be available at the Chaco Culture National Historical Park and the Bureau of Land Management State Office in Santa Fe. This legislation would make it possible for federal land managers to protect, preserve and jointly manage the remains of prehistoric Chaco people. It makes no other management changes.

The Importance of the Chaco Culture

Chaco Canyon is a series of large towns strung along the rim of Chaco Canyon in New Mexico. The inhabitants were Anasazi, a pre-historic people who practiced early agriculture and produced elaborate ceramics and architecture. The archaeological sites found at Chaco Canyon date to approximately 1100 A.D. Chaco Canyon has been called the climax of southwestern prehistoric culture. It represents a cultural phenomenon of adaptation to the environment and complex social structure. Chacoan sites are connected by a network of prehistoric roads which in addition to being a massive construction undertaking requiring some manner of control over labor, also indicates trade and exchange between settlements.

The sites proposed for inclusion in the Chaco Protection System are called "Chacoan Outliers" due to their locations outside of Chaco Canyon National Historical Park in New Mexico. The Chacoan Outliers, have also been called "cookie cutter sites" due to presence of classic architecture and artifacts associated with Chaco Culture. The pueblo and kiva remains at the outlier sites are the same shape and size as those found at Chaco Canyon and contain the same ceramics. The only difference is that the Outliers in some cases are hundreds of miles north and east of the canyon proper. These sites are exciting. They offer an excellent opportunity for research, study and interpretation. The designation of these 38 sites (including the first one from the Forest Service -- Chimney Rock in Colorado) will allow scientists to better understand and interpret the fascinating history of the people who lived at Chaco Canyon or at one of the Outliers.

In archaeological terms the Chaco phenomenon is a challenge. There is a great need for more research into this period. Many questions have been raised by the presence of the Outliers so far from the canyon. There is evidence of trade and interaction occurring between Chaco Canyon and the other sites. The Outliers could have been satellite villages supporting the major center at Chaco Canyon with agricultural supplies and trade materials. They could have been defense outposts. The Chaco Canyon influence spread far to the north, but experts do not know why. No one knows what caused the ultimate collapse of the culture. These are questions that remain to be answered. Expansion of the Chaco protection system will play an important role in understanding the nation's prehistory.

Recommendations

The Society urges inclusion of strong language in the legislation or in the Committee Report mandating protection of the archaeological resources from looting and vandalism and placing a high priority on public education and interpretation of the Chacoan Outliers. Adequate funding is also essential. Without federal financial support, federal agencies cannot provide the management necessary to protect and interpret the sites.

We thank the committee for your continued support for protecting and preserving the cultural heritage of our country.

Thank you for the opportunity to testify on this important legislation.

Senator **Domenici**. Thank you very much, Dr. Leone.

Anna Sofaer.

STATEMENT OF ANNA SOFAER, PRESIDENT, SOLSTICE PROJECT

Ms. **Sofaer**. Thank you. I am pleased to be able to testify on this important bill that you have introduced to increase the protection of Chaco Outliers.

As you know, we were in support of your earlier work which initiated the studies in Chaco and the protection of the sites that had been found at that point to extend far beyond the canyon.

Your work and that of the others in Congress who have brought attention to Chaco has helped a great deal. It has meant that we had the studies of outlying sites and now of the road system of Chaco to tell us how really extensive the system is.

It appears in fact, as you have been hearing already, to go beyond the San Juan Basin and to be a system that centers around Chaco Canyon which we now see more perhaps as a ceremonial center than as a trade center.

Our own work, which has been much aided, I must say, by the work of the BLM, the Park Service, the Navajo nation and, in addition, NOAA, which you helped to have involved in this work in their geodetic survey, has helped us to see that the large architecture of the Chaco system is interrelated in a region far beyond the canyon.

We are finding that the positions of the sun and the moon that we are seeing were marked on Fajada Butte on the Sun Dagger site are indeed involved in the alignments of the large structures of Chaco from Aztec to Salmon, Pentado, Bineola and the very large structures in the center in the canyon.

This shows a kind of a regional pattern directed to cosmology, and we believe also the roads may be involved because, for instance, the Great North Road, which you may know about, goes simply out of the canyon north to no pueblo or no resources, and it may indeed be a commemoration of the direction north-south.

All of this fits, of course, with modern Pueblo ethnography and what we understand from their traditions where the sun and the moon and the cardinal directions are so very important and create sacred space.

I have mentioned all this because I think it is an endorsement again to what you are doing. We think there is such complexity indicated by the recent work on Chaco to the question of what a vast extent it is and what its time range is.

These kinds of questions are pressing us to the point where we are suggesting in our testimony, which I will submit to you in writing, that the Interagency Management Group, which has at this point gotten together a rather good working group on Chaco, could submit to Congress a needs assessment addressing the question of what is the extent of Chaco, how can we find out through reconnaissance and surveying more extensively in the region north and south of the San Juan Basin.

We also suggest that they address questions of the need for stabilization and much more intensive law enforcement because, as you know, with the opening up of the area there is this increased pillaging and looting.

We have one further suggestion which I might mention now, which is that in the earlier bill of 1980 you authorized $11 million for the purchase of sites, and we were thinking that this could be made available, that the agencies that have jurisdiction in the San Juan Basin could ask to use some of that out of the Water and Lands Conservation Fund to actually purchase sites.

That is the extent of my statement. I just want to thank you again for your interest in Chaco.

[The prepared statement of Ms. Sofaer follows:]

SOLSTICE
PROJECT

STATEMENT OF ANNA SOFAER, PRESIDENT, THE SOLSTICE PROJECT, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS OF THE COMMITTEE OF ENERGY AND NATURAL RESOURCES

DATE: JULY 27, 1989

Mr. Chairman, I appreciate the opportunity to testify on S.798 - the Chacoan Outliers Protection Act of 1989. This bill would expand the Chaco Archaeological Protection Sites System to include five more outliers and an additional 6,261 acres of land with significant structures and artifacts associated with the ancient Chaco culture of northwestern New Mexico. The Solstice Project wholeheartedly endorses S.798 as another important step in preserving the priceless Chaco heritage.

It is the view of the Solstice Project that many of the Chaco culture's large architectural constructs are linked together in a complex regional pattern that appears to be related to the solar and lunar cycles. In addition, certain major Chaco roads appear to be cosmographic constructions. To the best of our knowledge, no other prehistoric culture north of Central Mexico developed such large-scale constructions in a coordinated cosmological expression across such a vast geographic region.

Congress recognized in earlier actions the significance and fragility of the Chaco legacy and initiated efforts to record, preserve and protect Chaco constructions. In 1980, Public Law 96-550 (94 Stat.3227) expanded the existing Chaco National Park to include several more Chacoan structures and it designated 33 sites as Chaco Culture Archaeological Protection Sites. The Act also established procedures for a coordinated interagency effort to protect, preserve and administer archaeological remnants of the Chaco culture. The Interagency Management Group was established in 1981. It consists of the NPS, BLM, BIA, and the State of New Mexico, with participation by NFS and the Navajo Nation. A joint management plan for the Chaco Archaeological Protection Site System was produced in 1983. In 1980, Congress provided funds for the Bureau of Land Management to conduct investigations of the Chaco roads. In 1988 Congress established the Masau Trail which developed educational facilities for the public to share in the knowledge of the achievements of the Chacoans and other ancient southwestern cultures.

The Solstice Project's analysis of the Chaco culture's architecture indicates that 15 of its 18 major buildings are associated with astronomical bearings. Their orientations correspond closely with the cardinal directions, the solstice

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positions of the sun, or the standstill positions of the moon. The solar orientations of the buildings are to points on the horizon where the sun rises and sets on the spring and autumn equinox and on the summer and winter solstice. The lunar orientations are to the extreme points on the horizon which the rising and setting moon reaches in its 18.6 year standstill cycle.

The Solstice Project's recent analysis of the internal features of the major Chaco buildings suggests that they were built to common proportions and that the buildings' internal geometry may also relate to astronomical positions.

The cosmographic interest of the Chaco people is also expressed in the Great North Road. Climbing out of Chaco Canyon, it runs almost straight north for 35 miles to end, not at another pueblo or important natural resource, but into the Kutz Canyon badlands. The road in some stretches becomes two or four parallel roads and is far too wide (30 feet) to have been intended to serve principally utilitarian purposes. Overbuilt and underused, the road appears to have been constructed as an end in itself, as a means of marking or celebrating the importance of the cardinal direction of north-south in a cosmological expression. We note that very little of this road is currently in protective status.

Recent evidence indicates that the roads served minimally, if at all, for trade or transportation, and the large buildings had only a small number of occupational units. There are few hearths in the buildings and frequently no associated trash mounds. There is evidence of intensive although periodic breakage of ceramic vessels at the large central buildings.

Several scholars have recently suggested that Chaco's buildings were developed primarily for their impressive external appearance and to function as sites of large-scale ceremonial activity. It is believed that the canyon served on a seasonal basis as a center for pilgrimage visits for ritual activity from the outlying communities.

The buildings and the roads appear to define the sacred space and time of the Chaco civilization.

Further evidence of the Chacoan cosmographic intent are the several astronomically marked petroglyphs carved on the cliff faces of Fajada Butte, which stands out prominently at the southern entrance to Chaco Canyon. The Solstice Project research has demonstrated that, at the top of the butte, three stone slabs (now known as the Sun Dagger site) collimate the sunlight onto a spiral petroglyph in such a way that the summer and winter solstices near mid-day are marked by "daggers" of light. A smaller spiral petroglyph nearby is marked by a dagger of collimated light near mid-day on the spring and fall equinox. The larger spiral petroglyph is also marked with shadow and light at the 18.6 year major and minor standstills of the moon. At two other locations on the Butte, 5 other petroglyphs are marked at key points in the solar cycle, including the meridian passage of the sun at solar noon.

(We have recently observed that the central of the three slabs of the Sun Dagger site has shifted. The effect of this shift is a major alteration in the summer solstice light marking on the large spiral and perhaps also in the winter solstice and equinox markings. It appears that the shift was caused by erosion accelerated by uncommon rainfall in recent years and compounded by human activity at the site.)

In our work we have built on the work of other scholars and we have been greatly aided by the research of various agencies. For instance, we have drawn on the Bureau of Land Management's extensive road studies and the National Park Service's comprehensive maps of many Chaco buildings. Numerous consultations with archaeologists of these groups and the Navajo Nation have informed us that the Chaco buildings and roads may extend far beyond the San Juan Basin.

For analysis of the Chaco building orientations, comprehensive survey data was provided to us by NOAA's National Geodetic Survey. For investigation of Chaco roads, remote-sensing aerial imagery of the Chaco region has been conducted by NASA in response to the Solstice Project's request and Congressional action in 1987. A computer graphics model of the Sun Dagger site on Fajada Butte has been developed by Rensselaer Polytechnic Institute and the Solstice Project. This model will be an archival preservation of the site and help us further understand its complex geometry and astronomy.

These earlier studies by individuals of numerous disciplines and agencies have lead us to a new vision of Chaco. This vision suggests that Chaco was all of a piece. We need to know far more than we ever thought we needed to know.

In order to understand the evolution of the Chaco regional pattern we need to develop an accurate chronology based on tree ring and other dating techniques.

In order to determine whether or not other buildings share the astronomical alignments of the major buildings we need to survey accurately all Chaco buildings. Some of these sites may not lend themselves to conventional surveying or mapping techniques, but may require, instead, modern remote-sensing technology. Precise mapping of Chaco buildings will tell us if common proportions were used not only in the major buildings but also throughout the Chaco region.

We need to know the full extent of the Chaco pattern. Only a few years ago it was thought that the Chaco civilization was confined to the 30,000 square miles of New Mexico's San Juan Basin. Recent reconnaisance of prehistoric roads and buildings has located Chacoan styled constructions in areas as far from Chaco Canyon as Quemado, New Mexico, Montezuma Creek Drainage, Utah, and Lowry, Colorado. This has suggested that comprehensive surveying and mapping of this wider region is required to understand how many prehistoric roads and buildings share Chacoan characteristics and in what way they may relate to Chaco Canyon. This surveying effort would be greatly enhanced by remote-sensing aerial imagery and analysis. A program for the use of such technology as TIMS and radar should be developed for the investigation of Chaco roads and outlying sites. In order for us to understand the evolution of the Chaco system, the survey and mapping effort should include sites within a time range of 800 through 1400 A.D.

The understanding developed from this surveying and mapping effort will help define the universe of the Chaco pattern and make it possible to select representative constructions for preservation.

A data retrieval system for the Chaco region should be developed so that the data of the several decades of Chaco studies becomes accessible to individuals studying Chaco. The implementation of a global positioning system (GPS) for the Chaco region would provide an accurate and comprehensive framework for such data retrieval. The GPS could be developed with the assistance of NOAA's National Geodetic Survey. In addition, provisions need to be made for objects retrieved in survey and excavations of Chacoan sites to be preserved and catelogued in a comprehensively coordinated archival system.

Because of the remote locations of Chacoan sites, the impact of variable weather on their fragile walls, the energy development of the area, and the increased public interest and visitation in the Chaco region, the constructions are endangered. Along with the new insights to the remarkable Chaco phenomenon, and the public educational effort, comes enhanced public awareness of the sites. This also entails increased risk from traffic at the sites, vandalism and pillaging. Incidents of ARPA violations have occurred at two NPS Chaco Outliers and three sites in Chaco Canyon in the last month. Several ARPA violations are reported monthly at the remote sites on the Navajo land. One BLM outlier which is now open for visitation is patrolled only once a month in the winter and twice a month during the summer.

The Chaco Canyon National Historical Park has had an 85% increase in visitation this year. It is predicted that the Masau Trail will raise visitation yet another 30%. In addition, the proposed construction of a new paved road into Chaco Canyon will dramatically increase visitation to the canyon and bring new visitation to two presently detached, remote outliers, Kin Bineola and Kin Klizhin. This change may require major rerouting of the Chaco Canyon roads and increased staff.

Funds should be made available for tribal, state and federal agencies to enhance their surveillence and enforcement capabilities and facilities. A majority of the Chaco sites are on Navajo lands. Navajo individuals could be engaged in a site stewardship program to protect the Chaco sites in their region.

Numerous excavated Chacoan sites require extensive stabilization. For instance, the exposed walls of Salmon Ruin, a major Chaco building, are in imminent danger of deterioration for lack of funding to conduct this work. In addition, several large Chaco buildings in the Canyon need extensive stabilization. Others in the canyon need backfilling for their preservation.

We suggest that the Interagency Management Group -- in consultation with NOAA, NASA, and other appropriate agencies -- develop a comprehensive needs assessment for the fullest possible protection, preservation, and documentation of the Chaco culture. S.798 should be amended to require that the Secretary of Interior, within one year after the date of enactment, furnish this needs assessment to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs. This needs assessment would include provisions for law enforcement, reconnaisance, surveying, mapping, dating, stabilization, curation and data retrieval for Chaco buildings, roads and artifacts. The needs assessment should also address the issue of what actions are necessary to conserve the Chaco roads.

We note that Section 508 of Public Law 96-550 authorized the appropriation of up to $11,000,000 to carry out the provisions of Title V of PL 96-550. The primary purpose of this authorization was to provide funds for acquisition of lands, waters, and interests therein within the boundaries of the Chaco Culture National Historical Park and the archaeological protection sites identified in Section 502. It is our understanding that little, if any, public funds have been expended for land acquisition in the nine years since PL 96-550 was enacted. We suggest that S.798 be amended to direct the Secretary of Interior to furnish the Committee with a schedule of planned acquisitions which are intended to fulfill the purposes of PL 96-550 and S.798.

I would like to thank the Committee for its foresight in developing Section V of PL 96-550 which has done much to protect the priceless Chaco heritage. The Committee is a major partner in the discoveries of the last decade that reveal the complexity and vast extent of the Chaco system.

Senator **Domenici**. Thank you very much.

Alan Downer, the Navajo Nation's Historic Preservation Officer. Glad to have you here.

STATEMENT OF ALAN S. DOWNER, NAVAJO NATION HISTORIC PRESERVATION OFFICER, WINDOW ROCK, AZ

Mr. **Downer**. Thank you. Mr. Chairman, I am Alan Downer. I am the Navajo Nation Historic Preservation Officer. On behalf of the 192,000 enrolled members of the Navajo Nation, I am pleased to offer testimony on S. 798.

The Navajo Nation recognizes the Chaco Outliers as immensely important archeological resources. In addition to this archeological significance, a number of Chaco sites are locations of important events in the Navajo origin story and are regarded as one of the most sacred places of the Navajo people.

For these reasons, the Navajo Nation regards the preservation, protection from management and carefully planned interpretive development of the outliers as a matter of vital concern.

Twenty-one of the 33 sites presently incorporated in the protection system are on Navajo land. One of the sites that will be added to the system by this legislation is also on Navajo land.

S. 798 makes changes in the list of sites designated for inclusion in the outlier protection system. These changes have been reviewed and recommended by the Chaco Interagency Management Group, of which the Navajo Nation is a member. These changes need to be made, and the Navajo Nation generally supports the bill.

The Navajo Nation does suggest that section 3 be altered to require that a copy of the map be kept on file in the Office of the Area Director, Navajo Area Office Bureau of Indian Affairs in Window Rock and that a copy of the map be provided to the Navajo Nation Historic Preservation Officer.

In addition, the Navajo Nation doubts the wisdom of allowing public access to this document at this time. The Navajo Nation urges the committee to delete this from the bill.

While the Navajo Nation generally supports the proposed bill, we must enter a cautionary note. The Chacoan Outlier Protection System was created by an Act of Congress in 1980. The system was created to protect these sites, ensure that they will remain available for research purposes, to encourage important resource on the Chacoan phenomenon, and to provide for interpretive development of these sites.

The Navajo Nation fully supports these purposes. The Navajo Nation notes, however, that in the last nine years, at least until last night, no funds have ever been appropriated to any agency to pursue these laudable goals.

As a result, the agencies involved with the Chacoan Outliers have only been able to engage in these activities to the extent that they have been able to reallocate funds originally targeted for other purposes. Consequently, protection, interpretation, research, et cetera, have been carried out on a piecemeal, haphazard basis.

As a direct consequence of Congress not appropriating funds for activities authorized by the Act of 1980, the protection sites received and continue to receive minimal protection. They are underdeveloped and underinterpreted.

The overwhelming majority of research conducted on those sites has been carried out by archaeologists working on their own time with little or no funding and with little or no institutional support from Federal agencies involved in the management of the protection sites which has adversely affected the further development of our understanding of the Chacoan phenomenon and shortchanges the public which does not receive proper interpretive information when visiting these sites.

The Navajo Nation does support this bill. The proposed changes need to be made. Until Congress is prepared to appropriate funds for the proposed purposes outlined in the original act, however, the protection system is a meaningless paper constrict which fails to meet the purposes for which it was created.

Without appropriation of a meaningful level of funding, the law together with the currently contemplated amendments are an exercise in legislative futility.

Accordingly, the Navajo Nation urges the committee to actively seek appropriation of sufficient funds to allow the protection site system to meet the goals for which it was originally established. We support the present funding of the Senate Interior Appropriation Bill, and we urge the committee to make every effort to see that these funds survive the budget conference.

The Navajo Nation appreciates the opportunity to offer these comments to the committee and is prepared to offer whatever additional information it possesses which may assist the committee in its deliberations in any material way.

Thank you.

[The prepared statement of Mr. Downer follows:]

THE NAVAJO NATION

Leonard Haskie
Interim Chairman
Navajo Tribal Council

Irving Billy
Interim Vice Chairman
Navajo Tribal Council

NAVAJO NATION
TESTIMONY ON S.798 "A BILL TO AMEND TITLE V OF THE ACT OF DECEMBER 19, 1980, DESIGNATING THE CHACO CULTURE ARCHAEOLOGICAL PROTECTION SITES, AND FOR OTHER PURPOSES" BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

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The Navajo Nation is pleased to offer testimony on S.798, "A Bill to amend Title V of the Act of December 19, 1980, designating the Chaco Culture Archaeological Protection Sites, and for other purposes."

The Navajo Nation recognizes the "Chaco Outliers" as immensely important archaeological resources capable of providing important archaeological data crucial to understanding the prehistory of New Mexico and the Four Corners region of the southwestern United States. In addition to their archaeological significance, a number of Chacoan sites, both within Chaco Canyon proper and several of the "Outliers", are locations of important events in the Navajo origin story. As such these sites are regarded as among the most sacred places of the Navajo people. For these reasons the Navajo Nation regards the preservation, protection, management and carefully planned interpretive development of the Outliers as a matter of vital concern to the Navajo Nation and its people.

Twenty one of the 33 sites presently incorporated in the Protection Sites system are on Navajo lands. One of the sites that will be added to the System by this legislation is on Navajo land. As a result 22 of the 38 sites proposed for inclusion will be on Navajo lands, if this legislation is adopted.

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S. 798 makes changes in the list of sites designated for inclusion in the Chaco Outlier Protection system. These changes have been reviewed and recommended by the Chaco Interagency Management Group of which the Navajo Nation is a member. These changes need to be made and the Navajo Nation generally supports the Bill.

The Navajo Nation does suggest that Sec. 3 be altered to require that a copy of the map be kept on file at the Office of the Area Director, Navajo Area Office, Bureau of Indian Affairs in Window Rock, Arizona and that a copy of the map be provided to the Navajo Nation Historic Preservation Officer. In addition, the Navajo Nation, for reasons that are discussed further below, doubts the wisdom of permitting public access to this document at this time. The Navajo Nation urges the Committee to delete the phase beginning on page 3, line 4 "and available for public inspection".

While, as already stated, the Navajo Nation generally supports the proposed bill, we must enter a cautionary note. The Chacoan Outlier Protection System was created by act of Congress in 1980. The System was created to protect these sites, ensure that they will remain available for research purposes, to encourage important research on the Chacoan phenomenon and to provide for interpretive development of these sites. The Navajo Nation fully supports these purposes.

The Navajo Nation notes, however, that in the last 9 years NO FUNDS HAVE EVER BEEN APPROPRIATED to any agency to pursue these laudable goals. As a result the agencies involved with the Chacoan Outliers have only been able to engage in these activities to the extent that they have been able to reallocate funds originally targeted for other purposes. Consequently, protection, interpretation, research, etc., have been carried out on, what can only be characterized, as a piecemeal basis.

All of the purposes of the Protection System have suffered accordingly. The sites are visited by law enforcement staff and agency cultural resources personnel on an irregular basis. Scheduling of site inspections by Navajo Tribal Rangers, for example, must compete with all of the other resource enforcement activities they conduct. Present staffing simply can not deal with the range and scope of law enforcement demands placed on these personnel. As a result, law enforcement activities on the Chaco sites are conducted in an unsystematic fashion. Site inspections occur, to the extent that they can be conducted at all, when a Ranger happens to be in the vicinity of one of the sites and there are no more immediate demands on his or her time. Such sporadic patrolling can not ensure that these sites receive appropriate protection and monitoring. It is for this reason that the Navajo Nation regards promotion of active visitation of these sites by the public, at this time, as premature. Until better understanding of these Sites is achieved, and better protection efforts are funded, limitation of visitation appears to be the prudent course of action to follow.

The Navajo Nation does not even have base line documentation on the condition of Outliers on Navajo lands currently in the Protection System. The Protection sites were surveyed prior to the passage of the 1980 Act. Most of the Sites have not been systematically revisited. We do not know, for example, which sites are in need of immediate or emergency stabilization, which ones are subject to looting and/or vandalization. In the absence of such es
lementary information, it is impossible to plan in a realistic and meaningful fashion for the management of these Sites. We are simply not in a position to say what actions should be taken at specific sites, much less arrive at a reasonable way to rank the priority of these actions for budgeting and implementation.

Furthermore, without such base line data it is impossible to determine which, if any of these sites would be suitable for public interpretation. Whether such interpretation should be limited at all sites or at just some of them, remains an unanswerable question at this point in time. Furthermore, the Navajo Nation would like to consider developing at least one of these Sites as a Tribal park. Given the current state of our understanding of these sites and the lack of information on their condition, the Navajo Nation can not even begin to guess, which of these sites would be suitable for development as a park.

In addition, many of the Protection sites have large boundaries reflective of the nature and type of occupation that they represent. But these large sites frequently enclose areas of Navajo habitation and use. The Navajo Nation, unlike the Federal agencies involved in the Protection System, must regard such occupation and use as legitimate. This represents a significant management issue, with which the Navajo Nation must deal when planning protection, management and development of these Sites.

Finally, archaeologists' understanding of the Chacoan phenomenon has evolved in the decade since the System was established. The questions asked by archaeologists about those sites and the tentative answers offered to those questions have changed dramatically. But most research on the Chacoan phenomenon has been conducted unsystematically, on less than a shoe string, by archaeologists working on their own time and initiative. While such efforts are certainly commendable, they are by no means adequate to magnitude of the research that needs to be conducted. Accordingly, while archaeologists speculate on the outlines of major changes in our understanding of the Chacoan phenomenon, the absence of funding for a systematic research program hampers (in fact, has all but halted) collection and analysis of the data necessary for improved scientific understanding.

Likewise, outside of the Chaco Canyon proper there is little systematic interpretive effort on these Sites. The Bureau of Land Management (BLM) has made an effort to interpret the Outliers on BLM land, and the National Park Service has made similar efforts on the Outliers that have been incorporated as outlying units of the Park. These efforts are not enough, and they do not occur at all on the majority of Sites. The Navajo Nation does not have the resources at present to invest in interpretive developments at the 21 Sites on Navajo land. Equally important is the fact that the dearth of research on the Chacoan phenomenon ensures that the interpretation of the Sites is either outmoded or speculative in nature. Neither is a desirable condition with which to greet the public.

In summary, as a direct consequence of Congress' not appropriating funds for activities authorized by the Act of 1980, the Protection sites have received and continue to receive minimal protection. They are underdeveloped and underinterpreted. The overwhelming majority of research conducted on those sites has been carried out by archaeologists working on their own time with little or no institutional support from federal agencies involved in the management of the Protection Sites, which has adversely affected the further development of our understanding of the Chacoan phenomenon and short changes the public who do not receive proper interpretative information when visiting these Sites.

The Navajo Nation supports the present bill -- the proposed changes need to be made. However, until Congress is prepared to appropriate funds for the purposes outlined in the original Act, the Protection System is a meaningless paper construct, which fails to meet the purposes for which it was created. Without appropriation of a meaningful level of funding, the law, together with the currently contemplated amendments, are an exercise in legislative futility.

Accordingly, the Navajo Nation urges the Committee to actively seek appropriation of sufficient funds to allow the Protection Site System to meet the goals for which it was originally established.

NAVAJO NATION BUDGET REQUIREMENTS

The Navajo Nation has prepared an estimated 5 year budget for the sites on Navajo land. We do not presume to suggest what level of funding the federal agencies would need for meaningful efforts on the Chacoan outliers that they manage, but we assume that the level of funding required will be lower since there are fewer sites in federal than in Navajo ownership.

BUDGET

Year one: $580,000

Activities: site protection (law enforcement), research, documentation and planning and for emergency ruins stabilization.

Year two: $830,000

Activities: protection, research, documentation and planning, interpretation and site stabilization.

Year three: $2,000,000

Activities: protection, research, documentation and planning, interpretation, site stabilization and site development

Year four: $2,000,000

Activities: protection, research, documentation and planning, interpretation, site stabilization and site development

Year five: $2,000,000

Activities: protection, research, documentation and planning, interpretation, site stabilization and site development

Five year total: $7,410,000

The Navajo Nation anticipates that funding would be required beyond the end of the 5th year, but the level of funding needed can not reasonably be forecast at this time.

CONCLUDING REMARKS

The Navajo Nation appreciates the opportunity to offer these comments to the Committee. The Navajo Nation is prepared to offer whatever additional information it possesses, which may assist the Committee in its deliberations in any material way.

In closing, the Navajo Nation wishes to reemphasize the fact that the real meaning and potential of the Chacoan Culture Protection System can only be realized with the appropriation of meaningful funding to protect, develop and administer the System. The Navajo Nation urges the Committee to make every effort to seek such funding.

Senator DOMENICI. Thank you very much.

Let me just indicate to you, Mr. Leone, that it has been a real pleasure to work with your association. One of the most laudatory things which is going on is the concerted effort by archaeologists, those that work for the Federal Government and otherwise, to use these magnificent pieces of history as part of our education system.

The work that is going on with the young people in an organized way in classrooms and visitations is truly something we are very proud of, and we compliment you to the extent that the association is promoting and promulgating that.

Mr. Downer, we will do our very best with reference to additional funds. Frankly, the atmosphere around here when we created the original outlier bill and for the ensuing years with reference to money to protect in preservation areas caused me to look back and wonder how we got as much done as we did.

On the other hand, we are fully aware that it does not do a lot of good to designate and create an interagency group and then not have any resources.

There will be some. We had some in. A little more was put in last night. I did not like where they took it from, but I wholly support the final product and will continue to work at that. We do not want them destroyed while we are supposedly preserving them.

For a few years nothing was done. I think lately a little more has been done even though they did not have a lot of earmarked money.

We appreciate your comments and your support, and we will do everything we can.

Unless you have something that you want to add, your statements will be made a part of the record, and we thank you very much for your support both for the petroglyphs and expansion of the Chaco culture with additional outlier preservation.

Thank you very much.

[Whereupon, at 3:10 p.m. the hearing was adjourned.]

[The subcommittee received the following letter for inclusion in the record:]

Senate Subcommittee on Public Lands, National Parks and Forests
364 Dirksen Building
Washington, DC 20510

Please include this letter in the record for S. 286. I think the Park Service needs the undiluted management authority allowed by full fee simple title to the land in order to adquately protect the petroglyphs--an easement just won't do.

Cutting more land from the present Monument boundaries in S. 286 would be a false economy. Land trades and other acquisition options should be aggressively sought in order to keep land costs down.

All 7274 acres currently within the legislative boundary should be authorized as Petroglyph National Monumnet, not just the 5280 acres in the Federal Atrisco Unit, as S. 286 now provides. The City and State acquisition monies are firmly committed. There is no need to delay including their areas, the Boca Negra and Piedras Marcadas Units.

I served as the archeologist on the City of Albuquerque Petroglyph Taks force and I know what an invaluable resources these petroglyphs are--there are only two other parks in the world dedicated to petroglyphs, one in Algeria and one in Italy. This would be the only one of its kind in the Western Hemisphere.

Thank you.

Yours,

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cc: Senate Subcommittee on Public Lands, National Parks and Forests

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